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THE RELIGIOUS POLICY OF THE SPANISH REPUBLIC.

THE second Spanish Republic completed its first year on 15 April, 1932. Within this brief period a provisional government was established; national elections were held; a Constituent Cortes was organized; a new national Constitution was promulgated, and under it a permanent government of the Republic was elected and is still functioning.

The Holy See was among the first to extend unreserved recognition to the new Spanish Republic. The government of the Republic was treated with the respect due to the constituted authority of the nation from the first by the Bishops of Spain. Without provocation the Provisional Government during the pre-election period between 15 April and 15 June enforced ministerial decrees changing the status of the Church and placing intolerable limitations on the authority of the clergy. The Constituent Cortes, elected in June, not only ratified this action of the pre-constitutional government, but, repudiating assurances that had been given, proceeded to adopt unilateral measures which are in open violation of the provisions the Concordat of 1851 still stipulates.

This Concordat, negotiated by the so-called "moderate" government of Isabel II at the time in power, is in reality an international agreement and can justly be repudiated by either party only after negotiation and with mutual consent. The Concordat embodies a settlement of disputes which grew out of persecutions and confiscatory measures to which governments inspired by anti-religious motives had subjected the Church. As a measure of restitution it provided for an annual budget

for the clergy and for worship. This budget, amounting at first to about six million dollars, never rose to more than double that sum. It fell far short of meeting the just expenses of the Church in Spain. Bishop Ullathorne, writing from Rome to an English correspondent during the Vatican Council, refers to the poverty of the Spanish Bishops in the following language: "Many poor Spanish Bishops have to walk, even through heavy rain, to the Council—a sign of their impoverishment. It must be serious for their health to thus have to sit long hours in damp things."

In a joint pastoral issued 20 December, 1931, a few days after the promulgation of the new Constitution, the Bishops of Spain state that as the Republic has entered into a new phase, the time has come when the Bishops must state solemnly their position and instruct the faithful as to their future conduct.

The Bishops bring the following scathing indictment against the Republican Government and its Constitution:

> The Constitution embodies principles and precepts of a confessional character which not only fail to respect religious liberty and refuse to recognize the essential rights of the Church as the dignity of the State itself would require; but under sectarian inspiration, these principles and precepts constitute an aggression against the liberty of religion and the rights of the Church.
>
> Under the Constitution there is to be right and liberty in everything and for every one excepting the Church.
>
> The right to profess and practise every religion; but the exercise of the Catholic religion, the only one professed by the Spanish nation, the one to which Spain owes her chief historic glories, her very civilization and culture, is to be subject to jealous and hostile restrictions in her liberty and in her every legitimate act.
>
> Liberty of association, even liberty for subversive associations; but extreme precautions against religious congregations devoted to the austere prefection of their own members, to social charity, to education, and to religion and service.
>
> Liberty of thought and expression extended even to systems that are absurd and anti-social; but churches allowed to teach their own doctrines only in their own establishments and even then only under Government inspection.
>
> Liberty of public assembly for every purpose except religious processions.
>
> Liberty to chose one's own profession, but no liberty to chose religious life in a religious order.

Liberty to teach, even to teach and advocate every system however erroneous, but laicism imposed in state schools, and religious orders forbidden altogether to teach.

Every association may be subsidized by the State. Only the Church and her institutions are excepted.

Cultural and social programs of every kind to be tolerated in public welfare institutions. Only the exercise of worship in the same institutions is subjected to sectarian restrictions. Even in the cemeteries the Church is denied her rights.

The right of private property is recognized, but the right of the Church to hold and administer property is restricted.

Indeed the Constitution seems to seek to guarantee equality of rights to all. The restrictions placed on worship and the Church stand out as a deliberate, unjust discrimination.

The Bishops appeal to Spanish Catholics to remain within the law, but to be firm in the observance of every religious duty strengthening their spiritual life and to go bravely forward in the defence of their religion which present realities make unavoidable.

The Spanish people have had no opportunity to express national approval or disapproval of the acts of the Republic. It is too early to undertake a comprehensive appraisal of all the factors which will contribute to the progress, and to the success or failure of the Republic in the immediate future. What has been done has been sufficient to reveal certain new trends into which the Republic seeks to direct the national life of Spain. Some of these trends I propose to discuss at this time.

When the new Constitution was promulgated last December, a storm of protest was at once raised, not only against the Constitution or its provisions—these after all could be amended —but even more vehemently against the promulgation at the same time of an announcement that the Defence Act would continue in force. This Defence Law was enacted last October just after constitutional provisions concerning religion, religious orders and education were approved by the Constituent Cortes. The Defence Law [1] is, if I may be permitted the term, the first-born child of the Azaña regime in Spain.

[1] The Act for the Defence of the Republic was enacted by the Cortes on 20 October, 1931, and again ratified and promulgated on 10 December, 1931.

Niceto Alcala Zamora was forced out of the Government Council, of which he was President, by the action of the Cortes on the religious and educational clauses. Azaña, Minister of War in the Government Council, more than any other member of the Cortes, contributed to the downfall of Alcala Zamora. In a speech which was a model of demagoguery, hailing the Cortes with a membership overwhelmingly anti-religious as the true representative of the Spanish people, and declaring that as such it had an unmistakable mandate from the nation to approve a constitution that would secularize the national institutions and laicize the national life of Spain, Azaña on the night of 14 October swept the opposition into impotency and at the head of a vast majority of the membership voted for the anti-religious program of the Republic.

The heat of debate had scarcely had time to cool, when Azaña, more surprised perhaps than any other at the effect

Under this act any of the following is declared to be an aggression against the Republic:

1. To incite to resist or dissolve any law or order of legitimate authority.
2. To incite to indiscipline or to factions in the armed forces, or between them and civil organisms.
3. To diffuse news which might injure credit or disturb the peace.
4. To commit any act of violence for motives that are religious, political, social or to incite others to commit such acts.
5. To do or express anything which might encourage disrespect for the institutions or organisms of the State.
6. To defend the monarchical régime or persons who represent it, to use insignia, emblems or any other thing relating to monarchy or its representatives.
7. To possess arms contrary to law.
8. To shut down industries or cease operations of any kind without sufficient justification.
9. Strikes of which eight days' notice has not been given, and strikes for any motive not related to labor conditions or refusal to submit disputes to arbitration and conciliation.
10. To change prices without justification.
11. Negligence or lack of zeal in public officials.

The penalty is deportation and a fine for offences against the first ten provisions and suspension or dismissal for offences against the eleventh.

The Minister of Gobernacion is authorized:

1. To suspend political meetings;
2. To close clubs and associations;
3. To examine books of accounts;
4. To seize weapons of any kind;
5. To appoint special enforcement officers whose acts are subject to revision by the Minister of Gobernacion.

This law provides for no appeal to the regular courts of justice and gives dictatorial power of interpretation and enforcement to the Minister of Gobernacion.

produced by his word picture of a Spanish nation united as one for the anti-religious program, again became the practical man of politics. There would be opposition to the new program. An attempt would be made to inflame the nation. As head of the Government Council, Azaña found himself at once on the defensive. He demanded dictatorial powers and was given the Defence Law to be in force until the Constitution could be promulgated.

The reënactment of this law and its promulgation the very same day on which the new Constitution had been promulgated, suspended important provisions of the Constitution itself and gave dictatorial powers to the first government of the Republic. The banner under which the Republicans marched to victory in the elections last June had been a protest against dictatorship; the battle-cry of the Republic since the day of its birth had been a demand for the return to the Constitution. The banner and the battle-cry surrendered to the demands of practical politics when the Defence Law was promulgated. That the second Spanish Republic is to be for some time a dictatorship is the fact which stands out over all others at the end of its first year. It is not to be a personal dictatorship with definite personal responsibilities, as had been the dictatorship under Alfonso XIII. It is the dictatorship of a small group, of the Republican Action group having a membership of not exceeding forty in the Cortes. They are trained men, presided over by Azaña, affiliated with the Athenaeum of Madrid, to whom the mob all over Spain is responsive and with whom the Socialists and other groups in the Cortes are willing to coöperate.

Alfonso fled from Spain on the night of 14 April, 1931, because, as he himself admitted, the municipal elections showed that "I no longer have the love of my people". The Azaña regime at the head of the new Republic has no such scruples; nor is their position wholly without logic. Turning the pages of Spanish history for a century or more, I seek in vain for a national government which I could unreservedly accept as representative of a majority of the Spanish people. There is much rhetoric in the plaint of Alfonso, as there is ruthless politics in the attitude of Azaña. Both statements are evidence that the political evolution of Spain has still much distance to

travel before the civic virtues are attained which alone make representative government possible.

My interest as a correspondent and observer at the Cortes was primarily in the attitude toward religion of the men now in control of the Spanish State. I was interested not only in the fact that they were opposed to the Church and religion and sought to set up a secularized state and a laicized national life in the place of traditional Spanish institutions and culture; but equally in the more practical question of how, by what process and with what instruments, a group having such a program had found it possible to capture the Spanish State.

The attack on religion was both direct and indirect.

Article three disestablished the Catholic religion as the official religion of the Spanish State, and declared that henceforth there shall be no official religion in Spain. Throughout the turbulent history of Spain since the enactment of the first "liberal" Constitution at Cadiz in 1812, Spanish legislators had never gone this far. The Constitution of 1876, which the present Constitution supersedes, in Article Eleven recognized the Catholic as the religion of the State.

Article 26, refusing to provide for clear-cut separation of Church and State, adopts the formula of "Liberalism", subjecting the Church to a special law of associations and reserving the right of the State to interfere with the internal organization and discipline of the Church.

The same article denies the right of the State to contribute to the support of the Church and abolishes the budget. As this budget is based on an agreement between the Holy See and Spain solemnly ratified in the Concordat of 1851, and especially in view of the fact that the Concordat itself was in large measure an attempt to make amends for the persecutions and confiscations which the Church had suffered during the preceding generation, the approval of this provision of the Constitution could not be accepted by the Catholic members of the Cortes. Miguel Maura, a Catholic, withdrew from the Government Council and resigned his office of Minister of Government. Niceto Alcala Zamora protested in an eloquent address to the Cortes and resigned as President of the Government Council, because the Cortes had repudiated the assurances that had been given regarding the Concordat.

This article further regulates the religious orders. Any order which by statute imposes, in addition to the three canonical vows, a fourth vow of obedience to any authority other than the legitimate authority of the State, is dissolved and its property is nationalized. All other religious orders will be subject to a special law, to be voted by the Constituent Cortes. In this law it will be provided that no religious order may engage in industry, commerce or education.

Orders to be tolerated under this law are to be subject to dissolution at any time that they are found to be a " danger to the security of the State ". They are obliged to register in the Ministry of Justice, to pay all taxes, and to submit their books of account annually to the State. No religious order is to acquire or hold property in excess of what is appropriated for living quarters for its members or directly for the specific end for which the order has been authorized.

Article 27 has the usual provisions for " liberty of conscience ". It is apparent that the Constituent Cortes sought to cripple all institutional religion.

Cemeteries are secularized. Under the former regimes, provision by law had been made for secular cemeteries, but these had been neglected, the vast majority of Spaniards preferring to be buried in consecrated ground.

Public manifestations of worship are subject to approval by the Government.

The irony of these articles is understood when we remember that they appear under Title III of the Constitution which treats of the rights and duties of Spaniards and contains the bill of rights of the Republic.

Article 43 declares that the family is under the special protection of the State. Spouses are to have equal rights. Children born out of wedlock have the same rights as those born in wedlock, and no child is to be recorded as legitimate or illegitimate. Divorce is to be granted when there is mutual dissent, or on the petition of either spouse when just cause is shown to exist.

Article 48 declares that the " service of culture " is an essential attribute of the State. Extremists demanded that education be declared to be an exclusive function of the State. State monopoly of education was defeated, however, in debate by the

Socialists, who were not willing to leave their schools to the mercy of future republican governments. Educational institutions are to be organized in a uniform system. All instruction is to be laical; but the right of churches " to teach, under state inspection, their respective doctrines in their own establishments " is recognized.

It is interesting to note that this is the only right which this Constitution recognizes as belonging to the Church.

There had been no well-defined popular demand for these provisions regarding either religion, the family or the school. Indeed, during the campaign which preceded the election of the present Constituent Cortes, leaders of all parties gave open assurance to the voters that the rights of the Church would be respected and the relations between Church and State would be the subject of amicable negotiations.

Catholic voters, comforted by these assurances, failed to consider the religious question as an issue in the election and in great numbers cast their votes on the issue that was paramount before the nation, namely whether or not Spain should have a Republican national government. Some Catholic leaders, notably Cardinal Segura, Archbishop of Toledo and Primate of Spain, repudiated the assurances given by men whose anti-clerical convictions were only too well known. In the pulpit and in pastoral letters these Catholic leaders called upon their people to vote only for candidates in whose hands the interests of religion would be safe. Early in the campaign it seemed that Catholics and former monarchists voting together would elect a strong group. It was then that the methods of the new leaders were brought into the open. Cardinal Segura was deported. On 11 March, 1931, a few days after the publication of urgent appeals by both the Catholic and monarchist leaders, the mob was turned loose. Monarchist headquarters were raided, churches and convents were burned, and there was written a page of Spanish history as disgraceful as that which records the massacre of the friars in 1837 or the Barcelona massacre of 1909. Subsequent investigations cast suspicion for this mob outburst on the Athenaeum [2] and its affiliates.

[2] The Athenaeum is a survival of the revolutionary clubs which sprang up all over Spain at the time of the French Revolution. Its greatest strength is centered at Madrid and Salamanca, where through evening courses it prepares

Similar mobs filled the streets of Madrid during the second week of October when the religious clauses of the Constitution were being debated in the Cortes. Police investigations traced these to a committee connected with the Athenaeum. Galarza, Public Safety Commissioner in the provisional government, and as such responsible for the Madrid police in October, has now been disciplined by his party, the Radical Socialists, and has completely lost his place of influence in the Republic.

What connexion, if any, there may be between the mob outbursts and the present government of the Republic may never be known. The fact remains that the head of the Republican Government, Azaña, has for years been President of the Athenaeum. The effect of the May mob riots was immediate. Candidates who had depended on Catholic and monarchist votes either withdrew or became inactive, excepting in districts where syndicalism, socialism and radicalism had made little inroads. The result of the election reflects this. Of the fifty-two Catholics elected, with the exception of one or two, including Alcala Zamora, all are from such Catholic strongholds as the Basco-Navarre Provinces, Burgos, and the territory around Salamanca.

To what extent the rout of the Catholic candidates is due to the violence of 11 May and to fear of violence, it is difficult to determine. The fact that the mob met with practically no resistance either in Madrid or elsewhere seems to justify the thought that the rank and file of Spanish Catholics were at least not greatly interested. In this connexion a statement made by Dimas Madariaga is of interest. As reported in *El Debate* on 8 January, 1932, he said at a meeting of National Action, a Catholic political group of which he is a leader:

> In 1930 I called attention to the fact that in great numbers workingmen were ready to withdraw from the Socialist party. To-day, returning from a trip which took me to every part of Spain, I have to tell you that the avalanche is at hand. To realize this we need do no more than look at what is happening all over Spain—disorders, riots, barbarism organized against the State itself!

students for university examinations. The Athenaeum, under the monarchy, served as a sort of safety valve for the opposition. It developed opposition orators who were able to acquire great popularity with the mob, who had no part in government, and thus prepared the way for a popular uprising.

As for ourselves, there is only one conclusion possible. The masses of workingmen are not with us.

This is a hard diagnosis. Nothing is to be gained by refusing to recognize it. In spite of all that we Catholics have done to found educational and benevolent institutions to serve the workingmen, we now find them opposing us. We have educated the child, but we have failed to train the young man in Catholic social doctrine. . . . This has been our mistake. We have failed adequately to train the workingman.

The charge was openly made while the Constituent Cortes was in session, that it does not represent every section of the Spanish nation. No one has successfully advanced the charge that the Cortes does not represent a large majority of the Spanish people.

When I arrived in Madrid last September, I was ready to agree with those who have said that the collapse of the Spanish monarchy and the flight of King Alfonso XIII last April are without precedent in history. I find, however, an almost perfect precedent in the collapse of the rule of Isabel II and her flight from Spain in 1868.

Addressing the National Assembly meeting to receive the abdication of Amadeo de Savoy, ending his adventure as the elected ruler of Spain, Castelar, the eloquent apostle of Spanish republicanism, on 11 February, 1873, summed up the story of the collapse of Spanish monarchy:

Gentlemen: As the spokesman of the Republican Party I do not rise here to claim credit for having destroyed the Monarchy; nor do I lay upon your shoulders the responsibility of this supreme moment. No! No one destroyed monarchy in Spain; no one killed it. Even I, who have done so much to bring about this moment, even I am obliged to say that in conscience I can claim no credit for having brought the monarchy to an end. Monarchy has died. It has died and no one, absolutely no one has contributed to its death but the Providence of God.

Gentlemen, with Ferdinand VII there died what has been called traditional monarchy. With the flight of Isabel II there died parliamentary monarchy; and now with the abdication of Amadeo there dies democratic monarchy. No one ended it. It died, and it owes its death only to itself.

No man brings about the Republic. Circumstances produce the Republic. Society in conspiracy with nature and with history produce the Republic.

Gentlemen, our privilege is to salute the Republic, welcoming her as we welcome the morning sun which of its own force rises on the horizon of our country.

Under Alfonso XIII monarchy produced its own collapse just as truly as it had under Isabel II and Amadeo. Canovas, the stateman to whom more than to any other the Bourbon restoration in Spain is to be attributed, found in Alfonso XII, educated at Oxford, a powerful ally for carrying out his purpose to transform Spanish monarchy by grafting onto it a two-party parliamentary regime modeled on that of England. Castelar, never willing to give up his republican convictions, held out to the end against the restoration. Sagasta on the other hand fell into the plan of Canovas. As leaders, Sagasta of the Liberals, Canovas of the Conservatives, both taking advantage of the facility with which popular elections have always been manipulated in Spain, able to weather the storm which broke at the premature death of Alfonso XII, for a generation gave to the Spanish nation a two-party parliamentary administration on the British model in the hope that in the end it might become assimilated into the political life of Spain.

The inability of the people to understand or to assimilate the system became more and more evident as with age Canovas lost his leadership. And finally when an assassin brought to an end the career of this great Spaniard, it quickly became apparent that the Spanish people in the brief period of a single generation had acquired neither the ability to organize nor the spirit of discipline that are the necessary foundations of a two-party regime.

Insurrection in the Philippines and Cuba and the disastrous war with the United States sobered the nation. In 1907 Antonio Maura, a royalist of the old Spanish school, as President of the Ministry, undertook a comprehensive scheme of reform which, had it been successful, promised to restore the political life of the nation by reviving the self-respect of the local governments and making the Cortes truly representative of the people, with power to legislate. Maura had the approval of the clergy, but only the half-hearted support of the monarchists. Against him and his reforms were leagued the

syndicalists, the socialists, the republicans and the reformers. His plan was foredoomed.

Within two years, in 1909 the advocates of revolution in Catalonia, taking advantage of the difficulties which had overtaken Spanish armies in Africa, rebelled. Before the rebellion could be subdued, Barcelona witnessed the burning of churches and convents; and religious men and women were victims of outrages which are a stain that cannot easily be erased from the history of a nation, the mother of many noble saints who have been and still are the glory of Spain.

Undisciplined, without leadership, the opposing parties, by 1918 had reduced to complete impotency the political machine that had been so skilfully erected by Canovas and Sagasta. In that year so uncertain were party affiliations in the Cortes that it was not possible to organize a ministry.

On 23 July, 1919, Indalecio Prieto, who is playing an important rôle in the organization of the present Republic, made his maiden speech as a member of the opposition in the Spanish Cortes. He denounced the Conservative Party and the acts of the government in the following language:

> As a consequence of the arbitrary acts of Mr. Maura and of Mr. Cierva we now have to record the deportation of numerous citizens, the closing of an immense number of labor unions, the outlawing of the unions of women workers. I tell you that these unions, whether you will it or not, have a right to a voice in government.

Deserted by the elements whose duty it was to represent the political and cultural traditions of Spain, humiliated by the disaster which had overwhelmed Spanish arms in Africa in 1923, Alfonso XIII found himself alone to face the chaos to which an undisciplined opposition had reduced his government. General Primo de Rivera, commanding the national army in Catalonia, placed himself at the head of an armed movement to restore order and save the monarchy.

Unskilled in the art of civil government the Directorate under Primo at once assumed the character and the form of a military dictatorship. As such it had the tacit consent and coöperation of the King. Every demand for return to legality fell on deaf ears. The demand for constitutional reform was met with a proposal that the government appoint a national

assembly of select men. When it became apparent that Primo, weighed down with years, should surrender control to younger hands, the old general not once thought of the people as qualified to name his successor; but in a confidential circular to the military chiefs he sought their will. This was too much for the republicans of Spain. The monarchy was able to maintain itself in power a few months longer. The military uprising of December, 1930, was the beginning of the end and finally on 12 April, Alfonso XIII found himself even more alone than he had been in 1923, when he surrendered the government to the generals of his army. In 1931 no generals were found willing to accept such a surrender.

Monarchy had produced its own collapse. Society in the words of Castelar had been in conspiracy with nature and history, and had decreed that Spain would no longer submit to the travesty of government of which for two generations it had been the victim.

Among the republicans of 1931 no generous voice arose to repeat the words uttered by Castelar in 1873. It remains to be seen whether the second Spanish Republic will produce the collapse of republicanism as swiftly as did the first.

Revolutions ordinarily end in either dictatorship or restoration. The revolution of 1868-73 ended in the restoration of the Bourbons. When I was in Spain last Fall I found many Spaniards who seemed little disturbed by the acts of the republican Constituent Cortes. "It will not last," they assured me. The conduct of Alfonso himself leaves no doubt but that he shares this conviction. In the farewell note he left with Ramones, he was unwilling to recognize any finality in the elections of 12 April, 1931. "These elections," he said, "are evidence that *now* I do not have the love of the people," but immediately he assured the nation of his willingness to again assume the kingship as soon as the people had expressed a desire that he do so.

During its first twelve months the second Spanish Republic gives no evidence at all that the revolution which culminated in the collapse of the Alfonso regime last April is to end in a restoration. A few months ago a manifesto purporting to be from Alfonso calling upon Spanish monarchists to rally to the king was received with contempt by both republicans and

monarchists. It seemed altogether unrelated to any reality in Spain.

On the other hand very definite signs indicate that the Republican government has already made itself a dictatorship. I have already referred to the law of Republican Defence. Under this law Prime Minister Azaña has met successfully the enemies of his regime on four distinct fronts. He has deported the headmen of syndicalism; he has replied to the demand for constitutional revision by enforcing ruthlessly the constitutional clause suppressing the Jesuits; he has definitely and pointedly notified the army that dismissal without pay will be the penalty of disloyalty. Within the Cortes the position of Azaña seemed uncertain. To his right sit the Republicans, more than a hundred strong, with Lerroux, the opponent of Azaña, at their head. To his left sit the Socialists, even more numerous than the Republicans, driven to support Azaña only by their fear of their radical opponents. Between them sits the Party of Azaña, a small group of companions from the Atheneo de Madrid.

Lerroux, seconded by Melquiades Alvarez, a leader of recognized ability, planned to carry the campaign against Azaña into Catalonia, home of Spanish syndicalism and also of Lerroux. Azaña quietly but firmly advised Lerroux that he would not be permitted to address a mass meeting at Barcelona. If he must make an address, he could do so at Madrid and his Catalonian friends could read it in the newspapers. Now Azaña is strong with the men of Madrid. Melquiades Alvarez and Lerroux both made speeches in Madrid. They have had no noticeable effect on the serenity of Azaña.

No novice in politics, Azaña made himself Minister of War in the Provisional Council of Government, organized in April, 1931. He has remained Minister of War. Even as President of the Council of Government he did not surrender the Ministry of War. To-day as Prime Minister he is Minister of War.

Of all the posts in the republican organization the War ministry is the most strategic. In spite of all the political tumults through which Spain has passed, Spain has had no prolonged civil war. The Spanish people are not a revolution-

ary people. But there have been innumerable coups engineered by army cliques. The Primo de Rivera coup was the most recent of these. Azaña, by making himself Minister of War, placed himself in a position where he could protect the Republic against a military coup. As Minister he has reorganized the army. When the crisis in October of 1931 temporarily drove Alcala Zamora out of the Government Council, Azaña as Chief of Cabinet appointed a member of his own party to the vacant Ministry of the Navy, and to-day Azaña and his party are in complete control of the armed forces of Spain.

In his public speeches Azaña uses the language of a dictator. In one of these speeches he listed the "enemies of the Republic". Among them he did not hesitate to include certain Catholic groups. He left no doubt of his determination to defend the Republic against all her alleged enemies.

Under the leadership of Gil Robles, associate editor of *El Debate,* and a member of the Constituent Cortes, a campaign has been started that is known as the revisionist campaign. Its purpose is to organize a political party which will elect delegates to the next Cortes pledged to amend the religious, educational and property clauses of the 1931 Constitution. This appeal is addressed to all Spaniards and has made its greatest progress in provinces where the population is largely Catholic.

The whole program and the political methods of Gil Robles are the work of amateurs. An outstanding characteristic of the efforts that have been made in modern Spain to establish representative government is the facility with which the party in power has found it possible to insure a majority of its own through a popular election. As Enrique Esperabe de Arteaga remarks, not without sarcasm, in his recent essay on contemporary Spain, the Spanish voter has a natural horror of finding himself with the minority. Elections can be manipulated in Spain by the judicious distribution of patronage, including the selection of local election machinery. There is no evidence at this time that Azaña is thinking of an early election, or that he will willingly surrender the advantages which would flow from his position in case an election is held. The revisionist campaign has its usefulness as an educational campaign, but there is the grave danger that it will prove to

have been a strategical error revealing uselessly the strength of the opposition at a time when the work of intensive organization is most called for.

I found the Catholic labor unions in a state of decay when I visited them in September of 1931. They had found it impossible to compete with Socialism. The employer of labor in Spain found himself dependent for the success of his enterprise on the good will of organized labor. He had to chose between employing members of the anarchistic and revolutionary syndicates or socialists. Only in a few unimportant places were the Catholic unions strong enough to protect him. The Primo de Rivera government had to take this condition into its reckoning. In the organization of the industrial conciliation boards under existing labor laws, finding at hand no Catholic union capable of supporting him, Primo of necessity surrendered to the socialists in an effort to escape the syndicates. To-day the socialists are a well-organized, disciplined body prepared for political action under trained and experienced leadership. Not willing to coöperate with either the socialists or the syndicalists, the Catholic unions have not been able to develop an economic or a political program.

Thus the Catholics of Spain find themselves hopelessly disorganized for action in the new Republican regime. As an opposition in the Cortes they are an impotent minority of fifty-two, in a body of four hundred and sixty delegates. They have not lost hope. Realizing that the immediate demand is for intensive training and organization, under the direction of their bishops, they are devoting themselves to the reorganization and revival of parish life. Committees are being organized everywhere in Spain, to provide for the economic needs of religion and resources cut off by the suppression of the budget; to provide for the religious education of the young; and through the press and regional conferences an effort is being made to train the Spanish voter.

Catholic leaders have shown themselves not to be intolerant toward the Republic as such, nor toward much of the program of social reform embodied in the new Constitution. Their platform is one of moderation. The syndicalists will not willingly surrender the power they now have. With time the struggle seems destined to define itself as a fight between the

Catholics and syndicalism, with the syndicalists in control of the national government. To whom will go the victory it would be hazardous to predict.

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THE PHILOSOPHY OF MEDITATION.

IN discussing a topic so decidedly abstruse as the Philosophy of Meditation we shall have to fall back upon particulars and details which, however necessary they may be to a fuller and better understanding of the matter in hand, are nevertheless rather prosaic and uninteresting to the ordinary reader. For this we can only crave his charitable indulgence.

In going over some of the back numbers of the ECCLESIASTICAL REVIEW it was my good fortune to come across a very able and excellent article entitled, "Practical Aspects of Penance in the Christian Life," by the Rev. J. Elliot Ross.[1] One of the paragraphs of that article may very well serve as an introduction to the present paper. The paragraph runs as follows: "Facing that conflict between our conviction and our desires, we need some help in following the good instead of yielding to the immediate desire." And then continuing, the author applies to penance what may just as aptly be applied to meditation. "This," he observes, "is where the practical aspects of penance come in. Penance is a means toward the end of acquiring a facility in acting in the proper way. It is like the exercise a man goes through in learning to play the piano, or golf, or tennis. And it is signficant that the Greek word for exercise and for a system of soul-training is the same—askesis."

For the purpose of this paper, we are defining meditation as a period of soul-training, a period of practical asceticism, when we exercise the powers of the whole man, to the end that these same powers may be brought to their greatest possible perfection in relation to man's last end. The period of meditation is the period of conscious effort on our part to eliminate the desires that are in opposition to our convictions—a period of conscious effort to establish within the natural powers of soul and body

[1] ECCLES. REV., April, 1928, p. 370.

a facility to act in accord with our convictions of what is right and what is wrong—yes, even of what is very much higher in the scale of moral excellence than what is merely the right as opposed to the wrong. But before we touch upon these several matters some explanations will first be in order.

The soul processes of man in meditation may be grouped under the following heads: intellect, will, sense, cognition, and sense appetite. But just at this stage one might be inclined to wonder how memory and imagination would fit into this division. We think the point is well taken, inasmuch as St. Ignatius, who was certainly a past master in all that relates to meditation, is constantly making use of these two faculties throughout his Book of the Spiritual Exercises. Without wishing to enter into anything like an exhaustive psychological explanation of the matter, we may simply and briefly state that memory (sense memory preponderantly) and imagination can be ranked under sense cognition. Further than this we do not care to go as it would lead us too far afield.

The sense or sensible appetite is the known seat of the passions of which love and hatred are the two that we speak of as basic or generic. Wheresoever passion has opportunity to reveal itself it will always do so under some one variation of either love or repulsion; whether that one variation be anger, desire or abhorrence, delight or displeasure, hope or despair, fear or daring. It is always characteristic of passion, however, that it strongly affects the individual and will sensibly work itself out upon his body.[2] Indeed, lacking this, we can scarcely have what one designates as a passion. There are those who would confound emotion with passion, but the two are not synonymous. Emotion confines itself more to the rational side of the individual and does not go much beyond that. As a matter of fact, one may have considerable emotion with no reaction of this upon the body to any noticeable extent, a phenomenon not so unusual with many of those who approach the Tribunal of Penance. These persons are deeply and genuinely grieved over their deeds and offences against God, and their sorrow for sin may even be a perfect sorrow, although there may be no sensible evidence of this in the way of tears or any other outward display of emotion. This is often what renders

[2] *Moral Philosophy*, Rickaby, p. 42, par. 2.

some of our penitents uneasy about the reality of their contrition.

Now since we find within the soul an aggregation of faculties and powers such as we have shortly been describing, and such as we have all taken notice of at some time in our careers, we are naturally disposed to inquire whether or not there is any such thing as a priority of spiritual action or procedure in regard to these faculties and powers so wonderfully grouped together within the soul. Can it be said, for example, that any one of them in particular fitly assumes the rôle of guide as far as the others are concerned? Truly so, and, it goes without saying, that the rôle of guide would have to belong to but one faculty within the soul—the one that sees and is alone capable of pointing out the pathway for the others. That one faculty is the intellect.

It remains to be seen now whether this faculty, as a moral guide, is a perfectly safe and reliable one. It may be, and again it may not be, according as the chart, the norm, or the standard of morality upon which it relies is a true, fixed, and dependable one. But can we not see that the only true, fixed, and dependable standard of morality—one capable of guiding the intellect aright—has got to be an objective standard? And why so? Because right or wrong, good or evil, are exactly and precisely what they are, for the reason that their being so is something intrinsic to themselves and arises out of the very nature of things. Whether this, that, or the other individual recognizes them as such in no wise affects their intrinsic character. A subjective and emotional standard of right and wrong and of moral excellence must inevitably, and that very speedily, set us adrift upon the shoals and reefs of a disastrous shipwreck, as it has done ever so many misguided souls before this of whom we read in the annals of asceticism.

Thus far we have been laying considerable stress upon the necessity of a correct standard of asceticism according to which we are to fashion our Interior Life. But this norm or standard to be of any permanent or solid advantage to us in meditation must ever hold up before us as the one great goal of our endeavors, this sole and single purpose, namely, to bring all the powers of the soul to their maximum of perfection according to the norm. As a locomotive, for example, is regarded

as perfect, when its power is at a maximum and the friction thereof approaches zero, so man approximates to perfection the more he attains to the maximum activity of his intellect, the maximum activity of his will, and the maximum power of his sensible appetite; and all this without any undue agitation of soul, but, on the contrary, with a tranquility that begets delight.

When it can be said of the intellect, for example, that it has acquired a facility in proposing to the will the means adapted to reach rational ends, when there is in the will a ready disposition to accord to God, to fellow man, and to oneself, whatever be their due to a correct measure, when there is within the passions a prompt tendency and readiness to meet and overcome the difficulties that would be likely to hinder the prosecution of some rational end, and to conclude, when within the physical appetites there is present a facility whereby these appetites are satisfied to the due measure of physical requirement or restraint—then shall we have attained to a level of perfection that is superbly ideal, and the goal of an uninterrupted peace that surpasses all understanding. And how shall all this be brought about? It will have to be brought about by a right training of our faculties.

The object of asceticism, therefore, is not simply to inflict the maximum of pain upon human nature merely for the sake of the pain inflicted. It is not to treat man as a "massa damnata" and a sack of corruption. It is to take man, even as one would take a piece of marble, and carve a masterpiece out of the material. Yes, it is putting to good use the most precious raw material that God has fashioned, and bringing that raw material to a perfection that is less by a step than the perfection of the angels—forming out of the forces of the body and the soul the noblest thing in creation—a perfect man.

But oh, what impelling force is sometimes required on the part of the will, aided mightily by actual graces from on high, to hammer, and polish and bend the intellect, until it has a facility in exercising its individual self in the adapting almost spontaneously, as with a finger's touch of the will, so to speak, proper means to right ends; and this facility of self-adjustment of means to an end, is, in philosophical and theological parlance (since things must have a name), the virtue of prudence.

And again, what force of exertion must be exercised by this same will, to establish and domesticate within itself a certain clockwork readiness on all occasions to render to God, and to man, and to oneself, the things that are due to them each and every one; and the right name for such volitional adaptability would be the virtue of justice. How sedulously, too, must not the will, operating ever so cautiously and diplomatically through the phantasm, endeavor to beget within the very life of the passions, an immediate and soldier-like readiness to spring at once into an offensive or defensive attitude toward this or that danger to be surmounted, or this or that obstacle to be overcome in the way of right ends to be attained: and the force of action here called into requisition we designate as the virtue of fortitude. Finally, an equally arduous undertaking is the one whereby the will has to hold in check the craving of the lower appetites for food, and drink, and sex; so that they may operate within the bounds of moderation set for them by the Creator: and the virtue through which this happy result is attained is known as the virtue of temperance.

Let us not forget, however, that, while the perfection of the Interior Life is wrought in great measure through the medium of the Cardinal Virtues, as explained above, it is well to know, nevertheless, that our Divine Master has bequeathed to us fresh conceptions of these virtues undreamt of in the pagan asceticism of old, as Bishop Hedley has very well observed. The most enlightened of the old pagan writers, strange to say, did have a pretty accurate notion of what we call the Cardinal Virtues; and they fully recognized their high place of honor and importance in bringing about the most exalted state of natural moral excellence. But, enlightened as they were, they did not know, as we now do, thanks to the teachings of Christ, that the readiness and facility for good established within the soul by the Cardinal Virtues, must necessarily be inadequate unless supplemented and supernaturalized by the three Theological Virtues of faith, hope, and charity. They did not know, these old pagan writers, that because of these same three virtues infused into our souls at Baptism, man would operate ever so much more effectively through the Cardinal Virtues of prudence, justice, fortitude, and temperance. And why so? Because through faith, for example, that is to say, through

belief in the great and external truths which revelation could alone set before him, and which the daily practice of meditation serves to clarify and impress upon his mind all the more deeply, man is no longer in the dark about the three momentous questions that so greatly concern his destiny, namely, the whence, the why, and the whither of his existence here below, Through these self-same truths of faith, pondered over by him in daily meditation, man is forcibly made to understand how his attainment of holiness here upon earth is for him an affair of prime necessity—is, indeed, a prerequisite to his attainment of perfect happiness in a future life, yes, but only as a well-merited reward for a present life of holy living. If during his brief sojourn of probation here below his day of trial will have abounded in deeds of practical charity—deeds of a right ordered love for God, for self, and the neighbor, then will sweet sister hope be to him as an angel of good cheer, giving to his life a definite and concrete meaning, and lending to all of his endeavors the spur of a well-founded assurance that, God assisting him, he will one day attain to the blessedness now held out to him as a future reward.

Inasmuch, then, as the prime purpose of all meditation, as was stated earlier, must ever be to exercise the will in such acts precisely as they are most calculated to beget in it a certain readiness and facility in the doing of what will best lead it on to perfection in human conduct, it becomes at once clear that the province of the intellect must always be to put before its sister faculty, the will, such objects of choice as are fully in keeping with the end in view, together with all the cogent reasons which would render this, that, or the other object of choice really worth while and eminently desirable.

But what, somebody might be disposed to ask, would be the evident reason why one should strive to acquire the readiness and facility in virtuous action spoken of above? Because it is only then that one can be said to have acquired a virtue, when one has succeeded in establishing a habit of that particular virtue within the powers of the soul and the lower appetites; so that the functioning of such powers and appetites along the lines of the virtue thus acquired becomes a thing at once easy and delightful. And this is why the will, as an efficient and zealous manager of the little household of the soul can never

afford to grow remiss in its all-important task of habit-formation. Taking into account the weakness of our fallen human nature and the many dark hours that beset every human life, acquired habits of virtue become a matter of self-preservation.

Unless the will has discharged its bounden duty and, so to speak, trained its subordinates to act in ready obedience to the dictates of right reason, it will never be completely out of danger and feel itself genuinely secure. But if, on the contrary, these subordinates have been rightly trained, in time of stress, when the very heavens of the intellect and will and passions seem to be collapsing into ruin, where the will, almost in spite of itself, is being dragged a helpless victim of temptation to the dread chasm of the pit, and the other powers, whether of soul or body, are thus left to their own devices—then it is that these rightly disciplined subordinates will automatically take the situation into their own hands, and, by reflex or spontaneous action, close in around their wavering captain, the will, to save him from the grim catastrophe of a fall. And this, if we must repeat, is the important reason, among others, why the will must ever seek to establish habits of virtuous action within the powers under its command. There can be for it no better guarantee of security.

In fairly close connexion with the matter dealt with in the preceding paragraph, St. Ignatius is very careful to point out to the exercitant in meditation that, wheresoever he shall find himself deeply moved by some particular consideration or reflexion there he is to remain in calm and peace of soul, undisturbed by any misguided eagerness on his part to continue on, as long as there is still abundant spiritual fruit to be garnered by him in the matter he is then and there engaged upon. And this is only saying, to express oneself in a rather homely fashion, that as long as the nail is being deeply driven in, one must not desist until, by repeated strokes of the hammer, it is thoroughly imbedded within the board. As for the fruit of meditation—how shall we characterize it? To bring things down to their last analysis, it is nothing more than a result of the soul processes of man brought into play in meditation, to build up habits of virtue and impress them deeply and strongly upon the interior life of the exercitant.

Whenever the intellect has put before the will some course of action as a thing most desirable and eminently worth its

while, the will, once it has been persuaded to such a course of action, forthwith proceeds to call into its service the single or combined aid of the passions of the sensible appetite; at one time pleading with them, at another threatening them, here seeking to disarm fear of its terrors to engender courage, there dangling before these passions the tempting bait of a future reward, even having recourse to the intellectual memory, that it may come forward to supply its much-needed fund of bygone experience to induce immediate action.

Let it be supposed, now, that a firm resolution in favor of virtuous action of some kind is the happy result of all this activity of the powers of the soul—what then? May the exercitant here feel that his task is accomplished? By no means. There is still further work to be done—work that is decidedly important and at once to be attended to, while the soul's resolve is yet aglow with the white flame of its energies. But this part of the program devolves upon the will, whose province it now becomes to summon the intellect to its assistance. The intellect will have to make it clear for example, how profound peace must inevitably crown the soul's efforts to carry out its good resolutions; how the execution of these good resolutions will perhaps diminish, if not eliminate altogether, the very severe pains of purgatory; finally, and above all, how these good resolutions followed up may be for the soul the nearest thing to a guarantee of its eternal salvation. And so we draw our little study to a close.

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THE LEGAL EFFECT OF ANTE-NUPTIAL PROMISES IN MIXED MARRIAGES.

VI. THE SITUATION WHEN ONE OR BOTH PARENTS ARE DECEASED.

Practically all the cases, both English and American, as has been pointed out in a prior chapter, have arisen after one or both parents were dead. This fact has caused in a large measure the resulting confusion of precedent. It has complicated the original question relating to the enforceability of the agreement, with further troublesome problems of custody.

The question of the enforceability of the agreement may arise independently of custody as, for example, when both parents are living. It may also arise in intimate connection with the problem of determining to whom custody shall be given, as, for example, when one or both parents are deceased. The law has become well settled that "best welfare of the child" is the determining factor in the award of custody of a child. Both English and American courts have adopted this principle.[136] And numerous court decisions and authoritative writers state that all other considerations yield to this criterion.[137] But "welfare of the child" is a very general term. The elements of religious training, physical comfort and support, education, environment, and many other forces produce the vague composite of "best welfare." The relative importance of these different elements has not been definitely appraised or defined by the courts, and courts have variously evaluated the element of the religious training. They have not hesitated to say that the religious element is not the determining factor:

> The first and paramount duty is to consult the welfare of the child. The wishes of the parent as to the religious education . . . are entitled to weight; if nothing is put into the balance against them, ordinarily they will be decisive. If, however, those wishes cannot be carried into effect without sacrificing what the court sees to be for the welfare of the child, they must so far be disregarded. The Court will not itself prefer one Church to another, but will act without bias for the welfare of the child under the circumstances of each case.[138]

And the same court speaking some years later said:

> Doubtless in cases of controverted custody due weight should be given to parental relations and desires, but the controlling consideration is the present and future interests of the child . . . and, although the wishes of the petitioner, who is the surviving parent, as to the religious training and environment of his daughter, should not be disregarded, we are unable to say . . . that the respondent

[136] Schouler, *Domestic Relations* (5 ed.), Sec. 305 & Sec. 332. Peck, *Domestic Relations* (3 ed.), Part 4, Guardian and Ward, Chap. 19, Sec. 150, p. 419.

[137] 41 L. R. A. (New Series), 564, 570; 31 Corpus Juris, 990 seq. Tiffany, *Domestic Relations* (2 ed.), Sec. 125, p. 267; Sec. 156, p. 324. Maddan, *Persons and Domestic Relations,* Part 3, Guardian and Ward, Chap. 11, Sec. 153, p. 466.

[138] Purinton v. Jamrock, 195 Mass. 187; 80 N. E. 802, 805 (1907).

should be removed where it seems . . . that the ward's welfare and happiness do not at present require the change. . . . [139]

The lack of any uniform standard by which courts might measure the weight to be given to the element of religious membership and religious training in proceedings determining custody has led courts into the utmost confusion. In some cases they have avoided such an appraisal altogether. In others they have failed properly to estimate it, or have acted without hesitation against the wishes and rights of the parents. Moreover, this confusion lies not only in decisions of different states but as well in decisions of courts in the same state. The following court opinions illustrate this confusion.

A New York court has said:

. . . the courts will, . . . take into consideration, . . . religious bringing up and teaching. . . . But . . . the consideration of temporal advantages in such cases controls over the religious.[140]

Another court of the same state, supporting the legal right of the father to have his child brought up in the same religion changed custody to effect that result.[141] In this case the father had been guilty of desertion and minor criminal offenses and was deemed generally untrustworthy. The mother was insane and the child had been committed to the care and education of a Protestant family. Guardianship was changed to the Catholic grandmother. In referring to the phase of the question arising out of the religion of the mother, the Court said:

During the period of immaturity incident to infancy the father and mother are the natural guardians of their children. They must shield them from dangers and temptations that beset not only their physical and moral but also their spiritual welfare. It is for them to lead in the path of a religion of their own choosing. If they agree, no question can arise; but here a case of disagreement is claimed. Both parties were Catholics. They were married in the Catholic faith. The ancestry of the children, so far as is known, is Roman Catholic. . . . All authorities agree that the expressed wish of the parents of a child, and particularly of the father, should have great weight with the court in the appointment of a guardian. The question of

[139] Harding v. Brown, 227 Mass. 77; 117 N. E. 638, 640 (1917).
[140] People v. Woolston, 239 N. Y. Supp. 185, 188 (1929).
[141] In re Jacquet, 82 N. Y. Supp. 986 (1903).

religion seems to have been involved in that case. While the ancient doctrine of patria potestas is only now an historical fact, and the common-law merger of the existence of the wife into that of her husband has ceased, while the wife is now in most respects the legal equal of her husband, yet the headship of the husband in the family is something more than mere sentiment. It is his name which is perpetuated, and his character should shape the conduct, and his ability achieve the success, of the household. In the nature of things, it must still remain true that the father, though not in a tyrannical or opprobious way, should be the head of the family. . . . [142]

This does not change or weaken the statements made earlier concerning the enforceability of the agreement. For in this case no agreement existed.

In another case in the same state, the court had again to determine the question in proceeding to determine custody. A Catholic man had married a Baptist. She had died. In considering the award of custody the court found the father unworthy, but in giving custody to a Catholic woman and Protestant aunt prescribed that the child should be brought up in the Catholic religion. In its opinion, referred to before, the court speaking of English precedents said:

This is a land where all forms of religion are both free and protected, and where the rights of fathers, within the law, are still recognized and applicable in proper cases. . . . These are tremendous differences, and thus it is that the common law of the people of this state and that of modern England are often very far apart in principle and in application. As the Romans looked upon themselves, and not modern Greece, as the true succession of ancient Greek thought, so our courts are obliged to assume that they and not the English courts, are the true interpreters of the great principles of the statute law once common to all English-speaking peoples, some few dependencies excepted. This assumption is a necessary corollary of sovereignty.[143]

These decisions, and particularly those taken from one state differing widely as they do, are typical. They show an utter lack of uniformity in the appraisal of religious training as an element in determining custody. In such confusion the estimate becomes largely governed by the belief and the person-

[142] In re Jacquet, 82 N. Y. Supp. 986, 987, 988 (1903).

[143] In re Lamb's Estate, 139 N. Y. Supp. 685, 687, 690 (1912).

ality of the particular judge. "Best welfare," then, has become a flexible term, changing with the point of view of the time, place and composition of the court. It is an elastic conception which confers an extremely broad discretion upon the judge and gives him the opportunity to superimpose his norm of general welfare and the relative importance of religion for that of the parents. This is illustrated by two proceedings in which the ante-nuptial agreement had been executed. In a Kansas case, *Denton* v. *James*,[144] a Protestant had signed the agreement before marrying a Catholic woman. She died after the birth of a child. An agreement was executed giving joint custody to the Catholic maternal grandparent and Protestant paternal grandparent. Without notice to the Catholic grandparent, the father and Protestant paternal grandparent secured the legal adoption of the child by the Protestant grandparent. The Catholic grandmother contested the validity of the adoption. The court sustained the adoption. The decision is curious because the court called attention to the fact that father and mother had equal authority and right in controlling the up-bringing of the child, yet proceeded to close its eyes to the fact that the father had yielded his right by agreement. The court seems also to have overlooked the fact that the woman had changed her status, relying upon that agreement. Burch, J., in delivering the court's opinion, treats the agreement in these words:

> The agreement of the child's father and mother that the child should be reared in the Catholic faith was a commendable compromise between two natural guardians, who, under the statute of this state, had equal authority. On the death of the mother, the father's right to educate his child became paramount, and the agreement was merely persuasive upon him.[145]

"Persuasive" in this meaning is a colorless term, possessed of no more than the popular meaning and sterile of legal force. Some states have attempted to curb judges in over-riding the rights of parents by passing statutes which compel courts to give deference to the religious element. But some courts evaded the plain requirement of a statute and substituted their own opinions in the matter.

[144] Denton v. James, 107 Kansas 729; 193 Pac. 307 (1920).
[145] Denton v. James, *supra*, p. 311.

The futility of the type statute, designed to protect the religious feelings of parents, in the face of hostile court action is seen in a Pennsylvania case.

In one case, the usual ante-nuptial promise was signed by a Protestant man about to marry a Catholic.[146] The couple had several children before the wife died. The court found as a fact that the father "at all times showed every intention of carrying out such promise." He had expressed a wish that the children be brought up as Catholics after his death. After the father's death, the Catholic maternal grandaunt contested the appointment of the paternal grandfather, a Protestant, alleging the ante-nuptial promise, the wishes of the father, and particularly the Pennsylvania statute which provided:

> Persons of the same religious persuasion as the parents of the minors shall in all cases be preferred by the court in their appointment as guardians of the persons of such minors.[147]

The court upheld the appointment of the Protestant grandparent. It reasoned that the ante-nuptial promise and later expressed desire of the father were equivalent to bringing him within the term "persuasion," as the term was used in the statute. And it further said that, even if it should so decide that the father's conduct did bring him under the statutory meaning of "persuasion," yet the statute was not mandatory, and that the court approved the award of custody to the Protestant grandparent. The court said that the case "presented squarely" the question whether the provisions of the statute compelled the appointment of a Catholic in view of the existence of the ante-nuptial agreement. It decided the question in the negative. Apparently no fault was found with the home of the Catholic grandparent. The material advantages, however, lay with the Protestant grandfather. The decision deserves sharpest criticism. The mandatory words in the statute "shall in all cases be preferred," fairly construed with reference to the object of the statute, could only lead in this case to an award of custody of the children to the Catholic grandparent. The religion of one parent, and the sincere and expressed wish of the other, would then be fulfilled. The

[146] In re Butcher's Guardianship, 226 Pa. 479; 109 At. Rep. 683 (1920).

[147] Pennsylvania: Fiduciaries Act of June 7, 1917 (P. L. 447), Sec. 59 (b).

decision does violence to the fair construction of the statute. This is a situation where the thought process of the judge is accurately portrayed by a brilliant author and jurist in the following passages: [148]

> He (the judge) must balance all his ingredients, his philosophy, his logic, his analogies, his history, his customs, his sense of right and all the rest, and adding a little here and taking out a little there, must determine, as wisely as he can, which weight will tip the scales.

And in addition to

> the forces of which judges avowedly avail to shape the form and content of their judgments. . . . Deep below consciousness are other forces, the likes and the dislikes, the predilections and the prejudices, the complex of instincts and emotions and convictions, which make a man whether he be litigant or judge.

It is submitted that the specific element of religious training as a factor in the child's bringing-up should not be left to the individual discretion of each judge. There should exist a distinct presumption in favor of the religious belief of the parents which should not be controlled short of positive harm, if carried out, to the welfare of the child. It is too easy for the courts to swing over into the fixed idea that the child is simply a creature of the state rather than primarily a person of a family, and subject only to the secondary rights of the state. As the law stands now, it is advisable and necessary to impress upon the court the religious status of the child who has been baptized a Catholic in pursuance of the agreement. The English courts have adverted to this important fact that by baptism a status is acquired. The entrance into the Catholic Church is a completed fact, not a prospective or incomplete future membership. It is a complete change and infusion of new spiritual life, and confers graces and helps, and places so well the religious duties of the complete span of life. We are too apt to think that the meaning and significance of the sacrament is known to the court. The vital importance of baptism as the portal of faith and entrance to Church membership should have persuasive force as a most important factor in the court's consideration of the award of custody. The

[148] Cardozo, *The Nature of the Judicial Process*, pp. 162, 167 (1928).

relationship raised between the persons baptized and the sponsors, and the resulting marriage impediment, gives a striking indication of the meaning of baptism beyond the popular conception.[149]

The difficulty of securing a proper and uniform appreciation of the religious element in all these cases is apparent. In order to clear up this uncertain situation, where the same courts decided custody differently in situations closely similar to each other, some states have passed statutes. These have been passed in an attempt to remove the confusion and to give a guiding principle to courts when considering the religious element in "best welfare" when awarding custody. These statutes and cases decided under them deserve attention and will be considered in the following chapter: "Statutes, present and future."

VII. Statutes: Present and Future.

While all courts have admitted the existence of some right in the parents whether living or deceased to control the religious up-bringing of their children, these same courts have been at complete variance as to the extent of the right. Some of the courts have evaded the question and rested their decisions upon other considerations. Others have attempted to evaluate the right and to appraise religious membership and training as one of the factors influencing the court in the award of custody of children. But the attempts have failed and have resulted only in a body of ambiguous and even contradictory decisions. The problem of custody arises much more often with the natural growth of population and increased death

[149] *Marriage Legislation in the New Code of Canon Law*, by H. A. Ayrinhac, Chaps. IV–XII — Spiritual Relationships — A. Origin of the Impediment, pp. 182-183.

Baptism being a new birth, Christians, from the beginning, looked upon those from whom they had received that sacrament as spiritual parents. This spiritual paternity was little by little extended to the sponsors and to those who had assisted in the preparation of the catechumens; then to the ministers and sponsors in the sacrament of Confirmation, which completes Baptism; and also, according to some, to the minister of the sacrament of Penance. This was the *paternitas* and *maternitas spiritualis*, to which was added the *compaternitas* or *commaternitas*; direct or indirect, i. e. the spiritual relationship between the sponsors and the parents of the baptized person or between the baptized person and the husband or wife of the sponsor; then the *confraternitas* or relationship between the baptized person and the children of the spiritual father or mother. Once those relationships were admitted, it was natural that they should be considered as impediments to marriage.

rate, the urban movement, and the spread of the divorce evil. And it has become further complicated in probation, divorce, abandonment, and separation proceedings, and juvenile criminal cases, as well as in the ordinary petitions for guardianship before probate and chancery courts where one or both parents have died. Many states have attempted to protect this right of the parents, and to bring some uniformity and order out of confusion, by the enactment of statutes. An examination of them reveals no uniformity in provisions or even purpose. These statutes have been passed by some thirty states. Some states dealt with the problem directly by express statutes, while others attempted to achieve the same end indirectly through regulations of departments such as the child welfare division. Some statutes are merely negative, prohibiting distinctions in the care of children because of religion;[150] others are positive in their provision, requiring respect for the particular religious belief. In most of the statutes the term "commitment" is used to describe the proceeding governed by the proposition.[151] In a few, the much

[150] Indiana
1926 Burns Ann. Stat., Sec. 4320.
Orphan Asylum — Distinctions as to nativity, religious, or political associations or connections prohibited.

[151] Arizona
1928 Revised Code, Chap. 40, Sec. 1937.
The court, in making orders for the commitment or adoption of children, shall place them, as far as possible, in the care and custody of persons having the same religious belief.

Arkansas
1921 Digest of Statutes, Chap. 90, Sec. 5774—Adoption.
Religious belief—The court in committing children shall place them as far as practicable in the care and custody of some individual holding the same religious belief as the parent of said child or with some association which is controlled by persons of like religious faith of the parents of said child.

Colorado
1921 Statutes, Chap. 19, No. 608, Sec. 7.
". . . . If the state home cannot provide for any child committed to it with voluntary adoption within six months, then it must provide as far as possible for the boarding-out of such child in some suitable family home, until such time as it may be adopted or shall have reached the age of 16 years. Religious beliefs of the family from which the child came must be respected."

Connecticut
1930 General Statutes Rev. Title 14, Chap. 95, Sec. 1867.
Religious faith of parents of child to be respected in commitment.

Georgia
1926 General Code—Penal Code, Art. XI, Sec. 900 (34).
Religious belief of parent in committing child is respected.

Illinois

1929 Cahill Rev. Statutes, Chap. 23, Parag. 340, Sec. 17, p. 248.

The court in committing children shall place them as far as practicable in the care and custody of some individual holding the same religious belief as the parents of said child, or with some association which is controlled by persons of like religious faith of the parents of said child.

Iowa

1931 Code, Chap. 180, Sec. 3640.

The court in committing children shall place them as far as practicable in the care and custody of some individual holding the same religious belief as the parents of said child, or with some institution which is controlled by persons of like religious faith with the parents of said child.

Kentucky

1930 Kentucky Statutes, Sec. 331 E —14. Commitment.

Religious belief of parents always considered in placing child.

Missouri

1929 Revised Statute, Sec. 392 (Guardians).

A minor shall not be committed to the guardianship of a person of religious persuasion different from that of the parents, or of the surviving parent of the minor, if another suitable person can be procured, unless the minor being of proper age should so choose. (R. S. 1919, parag. 388). See 162 S. W. 119, and 45 Mo. 602; 16 Mo. App. 159.

Nebraska

1929 Compiled Statutes, Secs. 43-216.

The court in committing children under the provisions of this article, shall place them as far as practicable in the care and custody of some individual holding the same religious belief as the parents of said child, or with some association which is controlled by persons of like religious faith of the parents of the said child.

Nevada

1929 Compiled Laws, Vol. I, Sec. 1030.

The court in committing children shall place them as far as practicable in the care and custody of some individual holding the same religious belief as the parents of the said child, or with some association or institution which is controlled by persons of like religious faith of the parents of the said child.

New Hampshire

1926 Public Laws, Chap. 110, Sec. 16.

The religious preference of the parents shall be respected in committals of children to individuals, associations, etc.

New York

1930 Cahill Cons. Law, Chap. 67, p. 2703, Art. 3, Sec. 26.

Religion of custodial persons and agencies. Commitment must be made to institutions, persons or associations other than one controlled by the state or a subdivision thereof, or the placement of a child in a family, or home, or in the custody of a person other than that of its parents or in guardianship or adoption out, according to the religious faith of the child, when practicable. This provision shall be interpreted literally.

Ibidem, Chap. 56, p. 2145, Sec. 302.

Wherever a child is committed to any agency, association, corporation, institution or society other than an institution supported and controlled by the state or a subdivision thereof, such commitment shall be made when practicable to an authorized agency under the control of persons of the same religious faith as that of the child.

broader term "custody" is used.[152] Several require that the

Ohio
1930 Throckmorton's Ann. Code, Chap. 8, Sec. 1679.
Religious belief—The judge in committing children shall place them, so far as practicable, in the care and custody of an individual holding the same religious belief as such child or its parents, or with some association which is controlled by persons of like religious faith as such child or parent.

Pennsylvania
1930 Purdon's, Title 11, Sec. 146.
The court, in making all orders for the commitment of children, shall place them, as far as possible, in care and custody of persons having the same religious belief as the parents of the child, or with some association which is controlled by persons of such religious belief, etc.

South Dakota
1929 Comp. Laws, Chap. 4, Art. 2, Sec. 9993.
The court in committing the child shall place such child in the care and custody of some individual of like religious faith or with an association which is controlled by persons of like religious faith as the parents of such child.

West Virginia
1931 Official Code, Chap. 49, Art. 4, Sec. 3.
The court in committing any child shall place such child, as far as practicable, in the care and custody of some individual holding the same religious belief as the parents or relatives of such child.

[152] Arizona
1928 Revised Code, Chap. 40, Sec. 1937, *supra.*

Delaware
1915 Revised Code, Chap. 116, No. 3841, Sec. 26.
. . . and in all cases where it can be properly done, the child shall be placed in an approved family home, with people of the same religious belief if this is reasonably possible.

Illinois
1929 Cahill Rev. Statutes, Chap. 23, Parag. 340, Sec. 17, *supra.*

Nebraska
1929 Compiled Statutes, Secs. 43-216, *supra.*

Nevada
1929 Compiled Laws, Vol. I, Sec. 1030, *supra.*

New York
1930 Cahill Cons. Law, Chap. 67, p. 2703, Art. 3, Sec. 26, *supra.*

North Carolina
1931 Code, Art. 2, Chap. 90, Sec. 5053.
Religious preference of parent of child respected in selecting a custodial agency.

Ohio
1930 Throckmorton's Ann. Code, Chap. 8, Sec. 1679, *supra.*

Pennsylvania
1930 Purdon's Pennsylvania Statutes.
Title 48 Marriage, Chap. II, Sec. 91, Note 4.
Mother to have same power and control over minor child as father.
Ibidem, Sec. 92—Judge to decide dispute as to children's custody.
Ibidem, Title 11, Sec. 146.

South Dakota
1929 Comp. Laws, Chap. 4, Art. 2, Sec. 9993, *supra.*

religious belief is to be "respected," [153] and in these the greater number add the religious belief of the parents. New York and Maryland provide by statute that the religion referred to shall be that of the child.[154] The laws again differ in regard to the

West Virginia
1931 Official Code, Chap. 49, Art. 4, Sec. 3, *supra.*

[153] Colorado
1921 Statutes, Chap. 19, No. 608, Sec. 7, *supra.*

Connecticut
1930 Gen. Statutes Revised, Chap. 95, Sec. 1867, *supra.*

Georgia
1926 Gen. Code, Penal Code, Art. XI, Sec. 900 (34), *supra.*

Massachusetts
1921 Gen. Laws, Chap. 119, Sec. 40.
Religious beliefs of parents of child respected. See also 1931 Acts and 1 Resolves, Chap. 342.

Minnesota
1927 Mason's Minnesota Statutes, Chap. 73 A, Sec. 8655.
Religious beliefs of parents respected as to placement of children.

Missouri
1929 Rev. Statutes, Sec. 14154.
Religious faith of parents of child to be respected.

Montana
1921 Rev. Code, Sec. 12291.
Religious beliefs of parents respected in child placement.

New Hampshire
1926 Public Laws, Chap. 110, Sec. 16, *supra.*

New Jersey
1925 Cum. Supp., 53-215°.
Religious beliefs of parents of child in placement respected. Where conditions have changed so that it is for the best interest of the child that it be with its parents, court may so order.

North Carolina
1931 Code, Art. 2, Chap. 90, Sec. 5053, *supra.*

South Carolina
1923 Public Acts, p. 216, Sec. 15.
The religious faith of the parents shall be respected when placed out.

[154] Maryland
1927, Chap. 689—(Amending Sec. 3 of Art. 4 of the Ann. Code of Maryland—title, "Almshouses and Trustees of the Poor", be repealed and re-enacted with amendments read.) Section 3. The county commissioners—Trustees of the Poor shall place all such children with a family, institution or agency duly authorized as aforesaid under the control of a person or persons of the same religious faith or persuasion as the child.

New York
1930 Cahill Cons. Law, Chap. 67, p. 2703, Art. 3, Sec. 26, *supra.*
Ibidem, Chap. 56, p. 2145, Sec. 302, *supra.*

Ohio
1930 Throckmorton's Ann. Code, Chap. 8, Sec. 1679, *supra.*

Tennessee
1932 Code, Chap. 14, 4735 (4436a24).
All children placed out in private families shall be, as far as it is practicable, located with those of the same religious faith as that held by the children themselves, or their parents.

consideration to be given the religious preference. As has been pointed out, one type of statute requires "respect";[155] another requires the placing in a home having "suitable religious advantage";[156] another gives "preference"[157] to prospective guardians of the same faith. And the court is to follow the statutory provision "when practicable,"[158] or in one

Wyoming
1920 Comp. Statutes, Chap. 246, Sec. 3903, Sub-sec. 2.
All children placed out in private families shall be, as far as it is practicable, located with those of the same religious faith as that held by the children themselves or the parents.

[155] See note 56, *supra*.

[156] Delaware
1915 Rev. Code, Chap. 116, No. 3841, Sec. 26, *supra*.

Kansas
1923 Rev. Statute, Secs. 38-305, duty.—Child placement.
It shall be the duty of the institution, etc. . . . Said society is authorized to secure for such children legal adoption in such families . . . suitable religious advantages.

[157] New Hampshire
1926 Public Laws, Chap. 110, Sec. 16, *supra*.

North Carolina
1931 Code, Art. 2, Chap. 90, Sec. 5053, *supra*.

Pennsylvania
Purdon's Digest, 13th ed., 1084, title 20, Vol. 20.
Now appears as parag. 1022 — Preferment of Religious Faith (reenacted 1917).
Persons of the same religious persuasion as the parents of the minors shall in all cases be preferred by the court in their appointment as guardians of the persons of such minors.

[158] Arkansas
1921 Digest of the Statutes, Chap. 90, Sec. 5774, *supra*.

Illinois
1929 Cahill Rev. Statutes, Chap. 23, parag. 340, Sec. 17, p. 284, *supra*.

Iowa
1927 Code, Chap. 180, Sec. 3640, *supra*.

Nebraska
1929 Comp. Statutes, Secs. 43-216, *supra*.

Nevada
1929 Comp. Laws, Vol. I, Sec. 1030, *supra*.

New York
1930 Cahill Cons. Law, Chap. 67, p. 2703, Art. 3, Sec. 26, *supra*.
1930 Cahill Cons. Law, Chap. 56, p. 2145, Sec. 302, *supra*.

Ohio
1930 Throckmorton's Ann. Code, Chap. 8, Sec. 1679, *supra*.

Tennessee
1932 Code, Chap. 14, Sec. 4735 (4436a24), *supra*.

West Virginia
1931 Official Code, Chap. 49, Art. 4, Sec. 3, *supra*.

Wyoming
1920 Comp. Statutes, Chap. 246, Sec. 3903, Sub-sec. 2, *supra*.

state "in all cases."[159] The confusion is apparent. Parents' rights are violated; courts have been unnecessarily burdened and worried. The following statute takes into account the situation when parents are of different religious beliefs:

> . . . It shall be the duty of the board of charities and probation whenever possible to place out dependent children of the state in institutions or homes where the aforesaid dependent children shall be brought up in the religion of their parents, *or in case the parents are of different religious faith but have agreed upon bringing up their children in any particular faith, the board shall abide by that agreement.*[160]

Many states are at present working up revisions and consolidations of their statutes. All states in the near future will probably undertake such compilations. It is submitted that the enactment of a statute, such as the following, would simplify and clarify the situation, protect parents' rights, and give courts a uniform and reasonable guide:

> Courts in any proceeding involving custody of children shall so far as practicable place said children under the control of persons of the same religious belief as the parents, if said parents are of the same religious belief; or in accordance with any hitherto existing agreement, if said parents are of different religious beliefs.

In this connexion, it seems advisable to suggest the following form of ante-nuptial agreement as a clear direct statement, incorporating the promises required by Canon Law, and fulfilling the requirements of the civil law of contracts. All agreements should be in writing upon a single form signed by both parties. The agreement should take the form of mutual

[159] Massachusetts
General Laws of 1921, Chap. 119, Sec. 40.
> No parents, or surviving parents, of any minor child in the care or under the supervision of the department, or any state department, or of any State Board of Trustees, shall be denied the request of any child of theirs to the free exercise of the religious belief of his parents and the liberty of worshipping God according to the religion which his parents professed, if they are both deceased; and no minor child in the care or under the supervision of the department, or of any state department, or State Board of Trustees, shall be denied the free exercise of the religion of his parents, or of his surviving parent, or of his parents if they are both deceased, nor the liberty of worshipping God according to the religion of his parents whether living or deceased.

[160] Vermont, 1919 Public Acts, p. 216, No. 207, Sec. 1. (Italics inserted.)

promises given by each party directly to the other in consideration of marriage and not extended to include any other parties. From a legal point of view this is essential. It is also undesirable to complicate the agreement with additional provisions beyond the necessary requirements of Canon Law. It is true of this, as of all other contracts, that surplusage tends to complicate and to confuse the issue in question. To illustrate, the added phrase "upon my honor" would be singled out at once as an expression in contradistinction to a contractual and legally binding obligation. Other similar phrases expose the agreement to like criticism.[161] The recommended form is as follows:

_____ (Date)

_____ (Town)

_____ (County)

_____ (State)

We, _____ _____ of _____ in the county of _____, and state of _____, and _____, of _____, in the county of _____ and state of _____, hereby mutually promise each other that all the children of our marriage shall be baptized and brought up solely in the Roman Catholic religion.

Each of us enters this agreement with full knowledge of the meaning of the religious belief and its significance to the said _____ _____, the Catholic party. And each of us further understands that the execution of this agreement and the promises therein contained are made in contemplation of and in consideration for the consent, marriage and consequent change of status of the said Catholic party _____ _____.

And as added and further inducement, in consideration of these promises I, _____ further promise not to interfere in any way with the faith of the said _____ and the exercise of _____ religion.

[161] It seems to the writer that such expressions as "The non-Catholic party understands that this is an indissoluble union", and "No other ceremony will be performed before a civil magistrate", and other similar provisions relative to witnesses, etc., can be made clear apart from the agreement. Added provisions in the suggested form or even in a separate form may expose the whole agreement to legal attack.

These promises and covenants herein contained for the effectual carrying out of the same shall inure to and be binding on our respective heirs, next of kin, administrators, executors, and / or subsequent guardians and their successors.

In witness whereof we have hereunto affixed our hands and seals at ———— this ———— day of ————.

———————————— (Seal)

———————————— (Seal)

Witness:

1. ————————————

2. ————————————

(Pastor, Assistant)

The agreement should be executed, if possible, a reasonable time before the ceremony. Each party should be given a copy, and one retained in the files of the rectory, and another forwarded to the chancery of the diocese. It seems the better practice to have at least one witness, who is a lay person, in addition to the clerical witness. A supplementary record of the dates of religious instruction of the non-Catholic party would be also helpful. These formalities would insure the availability of the agreement at a subsequent time and remove possible doubts as to the execution of the agreement and the meaning of its terms.

In review the present statutes compel the conclusion in the mind of any fair reader that the situation is unnecessarily confused and leads easily into the deprivation of rights of parents to control the religious upbringing of the children. The courts, faced with contradictory decisions, are unnecessarily handicapped in their judicial findings and orders relating to the custody of children. The rights of parents can be protected and courts relieved of embarrassment by the passage of such a statute as has been outlined. Finally, to conform with such simplification, the form of the ante-nuptial promises has been suggested as one in which the agreement would fulfill the requirements of Canon Law as well as the requirements of the civil law of contracts.

VIII. Public Policy

Any discussion concerning the legal effect of ante-nuptial promises would lack completeness without reference to "public policy." For opponents may urge the vague but high-sounding objection that the agreement is "against public policy." Just what "public policy" is, and precisely how this contract might offend against it, would probably be left to conjecture. But it might be useful to anticipate such possible arguments. In the one or two of the English decisions where this objection was raised the court explained its meaning. Compelling a parent through court action to set aside money to be used in religious training in a sect to which he is opposed was said to be against public policy. As was indicated above, this objection has been repeated. It could hardly be argued with any seriousness now; for religious upbringing in the United States today would not require the court to sequester any particular funds. That must be obvious. Another objection which might be raised along this line would be that the enforcement of the agreement would tend to disturb the harmony of the family household. This may be answered with the sound observations of a law professor writing upon the subject of tort action between husband and wife to the effect that "when suits are brought, there is not much domestic tranquillity left to be disturbed." The objection seems to disregard the fact that the Catholic party has changed his or her status in reliance upon the ante-nuptial agreement and the further fact that the non-Catholic has made the agreement with reference to the full import of the meaning of marriage and parent-bond to the Catholic party. It is well to remember all through the discussion on "public policy" the remarks of a Justice of the United States Supreme Court:

> In order to enter into most of the relations of life people have to give up some of their constitutional rights. If a man makes a contract he gives up the constitutional right that previously he had to be free from the hamper that he puts upon himself.[162]

[162] W. E. McCurdy, "Torts Between Persons in Domestic Relations", 43 *Harv. L. Rev.*, 1030, 1052 (1930).
Mr. J. Holmes, in dissenting opinion in Power Mfg. Co. v. Saunders, 274 U. S. 490, 497 (1927).

Closely akin to the above objections is that which stresses the practical difficulty of courts ordering a child to be brought up in a religion different from that of the person in whose custody the child is placed. It may be well to repeat here a statement made earlier that legal enforcement of the ante-nuptial agreement does not necessarily involve the question of custody. While placing children in the custody of parties of a different religion is not an ideal situation, it has not prevented courts from giving such orders. Both English [163] and American [164] courts have affirmatively ordered that the child be brought up in a religion different from that of one or both guardians. The particularity of the court's order in regard to such training has not proved any obstacle to the granting of relief.[165] The courts of equity have framed a scheme for religious education in such circumstances.

It is idle to inject into this discussion any extreme cases in which the enforcing of alleged religious views of a parent would subject the child to moral contamination or physical suffering.

It should be apparent that in those cases the divine, natural, and civil law unite to assert the right of the child. As the Holy Father has said:

It also belongs to the State to protect the rights of the child itself when the parents are found wanting either physically or morally in this respect, whether by default, incapacity or misconduct, since, as has been shown, their right to educate is not an absolute and despotic one, but dependent on the natural and divine law, and therefore subject alike to the authority and jurisdiction of the Church, and

[163] English:

Austin v. Austin, 4 De Gex. Jones & Smith Rep. 716 (1865). The husband died a Catholic. The children were committed to the custody of the mother with directions that they should be raised Catholics.

[164] American:

In re Lamb's Estate, 139 N. Y. Supp., 685 (1912) — the child was placed in the custody of a Protestant aunt, but a Catholic woman was named co-guardian to provide for Catholic education.

In re Mancini, 151 N. Y. Supp., 387; 89 Misc. Rep., 83 (1915)— Custody of the child was given to a Protestant minister with directions to have it educated in a Catholic residential institution.

People v. Lackey, 248 N. Y. Supp., 560; 139 Misc. Rep., 42 (1930)— The court placed the children with a Protestant and appointed a Catholic priest co-guardian of them.

[165] Austin v. Austin, *supra.*

to the vigilance and administrative care of the State in view of the common good. Besides, the family is not a perfect society, that is, it has not in itself all the means necessary for its full development. In such cases, exceptional no doubt, the State does not put itself in the place of the family, but merely supplies deficiencies, and provides suitable means, always in conformity with the natural rights of the child and the supernatural rights of the Church.[166]

Perhaps all of these objections under "public policy" have become part of the modern vogue to evade the question of the enforcement of any religious right which has arisen in legal proceedings, and the excuse is often the convenient exit of "public policy." How far such an attitude is the concomitant of the spreading wish to submerge religion need not be discussed here. Suffice it to say, that the question of the legal enforceability of the ante-nuptial agreement cannot be disposed of so lightly.[167]

One who denies the legal enforceability of the ante-nuptial agreement on the purported ground that it is against "public policy" should be forced to define "public policy" and state the specific way in which the contract offends against it. In the legal sense, "public policy" is found to have a restricted meaning, and contracts against public policy have even a much narrower definition. It applies for the most part to contracts to commit criminal or immoral acts. Story, an eminent authority on contracts, has said of public policy:

. . . It has never been defined by the courts, but has been left loose and free of definition, in the same manner as fraud. . . . This rule may, however, be safely laid down, that wherever any contract conflicts with the morals of the time, and contravenes any established interest of society, it is void, as being against public policy.[168]

[166] Pope Pius XI, *The Christian Education of Youth*, p. 17 (N. C. W. C., 1930).

[167] A contract against "public policy", as one famous American law professor has replied: "Public policy and estoppel — the gold-dust twins of the law, upon whose shoulders fall the work of furnishing a plausible reason to a lazy legal intellect."

[168] Story: Contracts (2 ed.), Sec. 546, p. 480. Cf. also Mr. Justice Holmes, in Otis v. Parker, 187 U. S. 606, 608, 609 (1903): "While the courts must exercise a judgment of their own, it by no means is true that every law is void which may seem to the judges who pass upon it excessive, unsuited to its ostensible end, or based upon conceptions of morality with which they disagree. Considerable latitude must be allowed for differences of view as well as for possible peculiar conditions which this Court can know but imperfectly, if at

A leading English case further illustrates this narrow meaning. In this case the vendor of a patent contracted to assign to the plaintiff all future patent rights of a like nature which the defendant might hereafter acquire. The defendant contended that he could not be compelled to do so on the ground that such an agreement was opposed to public policy. The court, however, upheld the agreement. Sir George Jessel, M. R., said in the opinion:

> It must not be forgotten that you are not to extend arbitrarily those rules which say that a given contract is void as being against public policy, because if there is one thing which more than another public policy requires it is that men of full age and competent understanding shall have the utmost liberty of contracting, and that their contracts when entered into freely and voluntarily shall be held sacred and shall be enforced by Courts of Justice. Therefore, you have this paramount public policy to consider—that you are not lightly to interfere with this freedom of contract. Now, there is no doubt public policy may say that a contract to commit a crime, or a contract to give a reward to another to commit a crime, is necessarily void. The decisions have gone further, and contracts to commit an immoral offence or to induce another to do something against the rules of morality, though far more indefinite than the previous class, have always been held to be void. I should be sorry to extend the doctrine much further.[169]

The United States Supreme Court has likewise construed contracts against public policy very narrowly: In Baltimore & Ohio Railway Co. *v.* Voight. The Express Company contracted with the Railroad Company to hold the latter harmless in case of injury to any of the express personnel while using the cars and rails of the Railway Company. And in addition to entering employment with such condition, Voight separately contracted with the Express Company to hold them harmless in case of personal injury to himself. Voight was injured and sued the Railway Company. He contended that the contracts in question were void as against public policy. The court

all. Otherwise a constitution, instead of embodying only relatively fundamental rules of right, as generally understood by all English-speaking communities, would become the partisan of a particular set of ethical or economic opinions, which by no means are held *semper, ubique et ab omnibus*. . . ."

[169] Printing and Numerical Registering Co. v. Sampson, 19 L. R. Equity 462, 465 (1875).

held that Voight was in no sense a passenger of the Railroad Company; that he was not constrained to enter into the contract but did so freely and seeking benefit to himself, and the contract could not be said to contravene public policy. Mr. Justice Shiras said in that regard:

> At the same time it must not be forgotten that the right of private contract is no small part of the liberty of the citizen, and that the usual and most important function of courts of justice is rather to maintain and enforce contracts, than to enable parties thereto to escape from their obligation on the pretext of public policy, unless it clearly appear that they contravene public right or the public welfare.[170]

The question may be met squarely. There is no need of evasion. Is an ante-nuptial agreement executed by a Catholic and a non-Catholic, the basis upon which a Catholic changes irrevocably his or her status within whose ambit is included all present and future and eternal happiness, to be tossed over by simple resort to the magniloquent phrase — "against public policy"? Is religious conviction in America to be reduced to the legal standing of a mere dilettante taste, phantom, hobby or what-you-will, or is it to still retain its prime and robust meaning which it had for the founders of our nation—a priceless possession with real objective value containing the very essence, meaning and explanation of life? If this is a Christian nation, does membership in the Church of pioneer Christianity have a legal sanction? Or have we forgotten in the busy whirl and lost heart in the face of the vigorous attack upon all religion? It will thus be seen that the objections against the legal enforcement of ante-nuptial promises on the ground of public policy are vague and flimsy. The protection of the courts for this contract is neither state aid nor protection of a church as such. It is the request of a fundamental right of a citizen: the law's protection of a legal contract. That protection may be the more reasonably demanded because this is a contract in regard to the Christian religion.

Mr. Justice Sutherland has said in a recent case before the United States Supreme Court: "We are a Christian people," [171]

[170] Baltimore & Ohio Ry. Co. v. Voight, 176 U. S. 498, 505 (1900).

[171] United States v. MacIntosh, 283 U. S. 605, 625 (1930).

citing a noted case decided by the same court.[172] The latter case presents a long review of authorities which supported the proposition. Starting with the very earliest indication in the commission to Christopher Columbus, there are found the words: "It is hoped that by God's assistance some of the continents and islands in the oceans will be discovered."[173] Mr. Justice Brewer continued to quote freely from many documents which consistently prove the thesis. References are made to the first colonial grant to Sir Walter Raleigh in 1584,[174] the first charters to Virginia granted by King James I in 1606, and the subsequent charters of the same colony, to the celebrated compact made by the Pilgrims in the Mayflower in 1620.[175] The fundamental orders of Connecticut under which the provisional government was instituted in 1638,[176] and the charter of privileges granted by William Penn to the province of Pennsylvania in 1701.[177] In all of these charters one of the prime purposes is declared to be the establishment of the Christian religion.

In the charter of privileges granted by William Penn to the province of Pennsylvania in 1701, it is recited; and, coming nearer to the present time, the Declaration of Independence recognizes the presence of the Divine in human affairs. If we examine the constitutions of the various States we find in them a constant recognition of religious obligations. Every constitution of everyone of the forty-eight States contains language which either directly or by clear implication recognizes a profound reverence for religion and an assumption that its influence in all human affairs is essential to the well-being of the community.[178]

The Hon. Justice reviews the requirements and the form of the oaths required in various states, with particular reference to the invocation of Divine Help, and concludes:

[172] Holy Trinity Church v. United States, 143 U. S. 457, 465 (1892).
[173] Holy Trinity Church v. United States, 143 U. S. 457, 465 (1892).
[174] *Ibidem*, p. 466.
[175] *Ibidem*, p. 466.
[176] *Ibidem*, p. 466.
[177] *Ibidem*, p. 467.
[178] *Ibidem*, p. 468.

If we pass beyond these matters to a view of American life as expressed by its laws, its business, its customs and its society, we find everywhere a clear recognition of the same truth. Among other matters note the following: The form of oath universally prevailing, concluding with an appeal to the Almighty; the custom of opening sessions of all deliberative bodies and most conventions with prayer; the prefatory words of all wills, "In the name of God, amen"; the laws respecting the observance of the Sabbath, with the general cessation of all secular business, and the closing of courts, legislatures, and other similar public assemblies on that day; the churches and church organizations which abound in every city, town, and hamlet; the multitude of charitable organizations existing everywhere under Christian auspices; the gigantic missionary associations, with general support, and aiming to establish Christian missions in every quarter of the globe. These, and many other matters which might be noticed add a volume of unofficial declarations to the mass of organic utterances that this is a Christian nation.[179]

IX. Conclusion.

To some it may appear to be a rash undertaking to have attempted an accurate investigation of the legal considerations determining the present legal effect of ante-nuptial promises. It may seem bolder still to attempt to appraise the present and future status of the ante-nuptial agreement. But the hazard is well ventured if it succeeds in exposing the weak foundations of an apparent legal barrier built upon a foundation of historical prejudice and mistaken precedents uncritically accepted in some of our English and American courts. It is well to remember that this English prejudice had had a real legal significance, rendering such an agreement void as part of a drastic and barbarous group of laws making the teaching or practicing of the Catholic religion punishable even by death.[180]

[179] *Ibidem*, p. 471.

[180] "8 Ann., c. 3, parag. 16. A papist teaching publicly or privately, or entertained as an usher to a protestant schoolmaster, to be esteemed a popish regular clergyman convict, and suffer all the pains inflicted upon such, that is, 1st. to be imprisoned in the common gaol; 2d. to be transported; 3d. if he return to his friends and native land, to suffer as a traitor: the following is his judgment.

"1st. To be dragged along the ground to the place of execution; 2d. to be hanged by the neck; 3d. to have his entrails taken out and burned while he is yet alive; 4th. his head to be cut off; 5th. that his body be quartered or divided into four parts; 6th. that his head and quarters be at the pleasure of the Queen.

"The legal consequences of this judgment are, attainder, corruption of blood, annihilation of all inheritable powers, from his ancestors and to his heirs. . . .

Once this obstacle to a proper judicial appraisal is removed, courts can view the question unhampered by pre-judgments. While it is of course undesirable to exaggerate the influence of prejudice, it is nevertheless necessary to realize the fact of its presence in the past and the possibility of its future effect. The historical attitude of the Church and the object of the present Decree should be explained fully. No idea is more remote from the mind of the Church than that the requirement of the execution of the agreement is a means of forcing people into her fold. On the contrary, she is unalterably opposed to Catholics marrying non-Catholics. Her decrees, Canon Law, writings, and teachings—all give clear proof of her attitude. The reason is plain and practical. Entrusted by Christ with the truth, she cannot tamper with it; she must preserve the true faith for her children and their offspring. Enriched with the human experience of twenty centuries, she knows, as all fair and intelligent men must admit, that in such marriages:

> . . . When minds do not agree as to the observance of religion, it is scarcely possible to hope for agreement in other things. Other reasons also proving that persons should turn with dread from such marriages are chiefly . . . that they are a hindrance to the proper education of the children.[181]

This teaching has been emphasized in a recent encyclical by the present Pontiff. In his admonition against mixed marriages, he states once more the valid reasoning of the Church's position:

> Assuredly, also, will there be wanting that close union of spirit which, as it is the sign and mark of the Church of Christ, so also should be the sign of Christian wedlock, its glory and adornment. For where there exists diversity of mind, truth and feeling, the bond of union of mind and heart is wont to be broken, or at least weakened. From this comes the danger lest the love of man and wife grow cold and the peace and happiness of family life, resting as it does on the union of hearts, be destroyed.[182]

". . . A protestant permitting a child under fourteen to be educated a papist, to suffer as a papist." — The Catholic Question in America. Decided at the Court of Gen. Sessions, City of New York, with the unanimous arguments of counsel. Reported by William Sampson (New York: E. Gillespy, 1813), p. 125.

[181] *Great Encyclical Letters of Leo XIII*, Christian Marriage, p. 81.

[182] Pope Pius XI: Present "Encyclical on Marriage" (*Casti Connubii*), 31 Dec., 1930.

However, the Church allows her ministers to officiate in the event that a grave cause exists, that the agreement has been executed, and when the pastor is morally certain that it will be observed.

To the non-Catholic a civil marriage is available. But with a full understanding of the consequences he or she chooses to enter the agreement with a person of the Catholic faith in a Catholic ceremony; and, having executed the agreement, common honesty demands its observance. Tested by accepted legal criteria, it is submitted that the agreement has the essential elements of a contract and is similar to other ante-nuptial contracts the legal force of which has never been doubted. The agreement is made with direct reference to the religious belief of the Catholic, particularly as it involves marriage, bearing children as the primary end of matrimony, and the consequent duties of parenthood. As such it gives the Catholic party an added right of personality, one of a group of rights of personality, to which modern courts of equity are steadily extending their protection. In the situation where one or both parents are dead, we have seen a large number of states in a variety of statutes have attempted to give legal effect to the religious belief of the parents and the religious status of the child. However confusing and ineffectual the result today, the purpose of the state legislation could be secured and courts relieved of difficulty by the passage of the suggested statute. The framing of the proposed agreement has also been suggested for the purpose of simplification, rather than correction, of existing Chancery forms. It is submitted that objections to the legal enforceability have been treated and effectually answered. Of course, it is too much to hope that all objections will be silenced. Objections based upon difficulties, real and fanciful, can be raised against the enforcement of every legal right. Too often the critic will be inclined to ignore the plain fact that this is an agreement, voluntarily executed by a person fully appraised of its meaning and aware that, upon the expectancy of its fulfillment, the Catholic party irrevocably changes status, and further assumes serious and holy duties upon the fulfillment of which will depend (to that individual) present and eternal happiness.

As to predictions, obviously the writer cannot guarantee that cases will always be well considered by able judges. But apart from that rare situation, the ante-nuptial agreement should find a proper judicial appraisal in American courts which proceed beyond out-moded historical misinterpretations and which advance with the needs of the present and future and are alive to the spirit of progress in the law. The writer submits this analysis of the legal effect of ante-nuptial promises in mixed marriages with the confidence that a court or legislature which aims to see through merely artificial or apparent barriers will perceive the true legal nature of the ante-nuptial agreement. Such courts and legislatures, recognizing the right of personality which accrues to the Catholic party and conscious of inherent power to protect such a claim, will proceed to make the legal enforceability of ante-nuptial promises a reality in accordance with the demands of plain justice and the spirit of American tradition.

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Analecta

THE SACRED CONGREGATION OF RELIGIOUS [1]

INSTRUCTION TO THE HIGHEST SUPERIORS OF CLERICAL RELIGIOUS INSTITUTES AND SOCIETIES: ON THE CLERICAL AND RELIGIOUS TRAINING OF MEMBERS CALLED TO THE PRIESTHOOD, AND ON THE INVESTIGATION TO BE MADE BEFORE THE RECEPTION OF ORDERS.

1. How greatly all Religious Institutes and Societies have contributed to the welfare of the nations, whether those already regenerated by the faith of Christ or those still in the darkness of idolatry and in the shadow of death, can hardly be expressed in words. For it is their members who, having followed the evangelical counsels and despised the world, devoting themselves entirely to the service of God, in virtue of their profession, seek naught else but to promote the kingdom of God on earth, as our Holy Father Pius XI recently testified: [2] " From this great variety of religious Orders, therefore, as from different trees planted in the Lord's field, there

[1] *Acta Ap. Sedis,* XXIV (1932), 74-81.

[2] Ap. letter *Unigenitus Dei Filius,* 19 March, 1924—*Acta Ap. Sedis,* XVI (1924), 133-134.

springs forth and ripens an abundance of fruits for the welfare of nations; and there is surely nothing more beautiful and impressive than the variety and number of these sodalities, which, though they have one and the same end, have nevertheless each one its own sphere of activity, distinct in some ways from the rest. For by the counsel of Divine Providence it usually happens that, as often as new needs must be met, likewise some new religious institutes are raised up and flourish."

2. How sublime and noble that state is, the same Holy Father recently set forth eloquently in his radio message broadcast to the whole world, 12 February, 1931, when, addressing all religious, he styled them "sons and daughters of Our predilection", and said that it was they "who, zealous for the better gifts, and in fidelity to your most sacred vows and in the religious discipline of your whole life, by fulfilling not only the precepts but also the desires and counsels of your Divine King and Spouse, fill the Church of God with the fragrant odor of your chastity, shed lustre upon it by your contemplation, sustain it with your prayers, enrich it with your learning and knowledge, from day to day cultivate and augment it by your ministry of the word and by the works of your apostolate. You therefore share in a truly heavenly and angelic calling; and the more precious the treasure you bear, so much the more diligent care should you observe, not only that you may make your own vocation and election sure, but also that in you, as in servants above all others faithful and devoted, the heart of the King and Spouse may find some consolation and reparation for the numberless offences and negligences with which men repay His ineffable love." [3]

3. Since therefore the religious state is so excellent, it is no wonder that the enemy of human welfare leaves no stone unturned that, partly by perverse promptings, partly by the lure of earthly pleasures, partly finally by arousing the passions, he may cast them down from the nobility of that state. In truth there are not wanting deplorable cases of desertion, not only from the religious state, but also from the clerical ranks, into which religious men had been enrolled by the reception of orders. There is no one who does not see what a loss this

[3] *Acta Ap. Sedis*, XXIII (1931), 67.

inflicts on the religious themselves as well as on religion itself, and what scandal it gives the faithful. Taking occasion, then, from the Instruction that was addressed not long ago by the Sacred Congregation of Sacraments to local Ordinaries on the examination of candidates before they are promoted to orders,[4] this Sacred Congregation of Religious, in order to satisfy its obligation, and after consulting His Holiness and by his special command, decreed to recall to the mind of the Superiors of clerical religious institutes and societies and, where necessary, to prescribe the following.

I.

ON THE TRAINING OF MEMBERS TO BE PROMOTED TO ORDERS.

4. From the nature of things and from daily experience we learn that the well-being of religious institutes depends principally upon the training of their members just as the beauty of trees depends on the care given them. Pius IX of happy memory expressed the thought thus: [5] "Since upon the careful admission of novices and their further thorough training the vigor and splendor of every sacred family fully depend, We admonish you most earnestly, that you first accurately examine the character, disposition and virtue of those who desire to be enrolled in your religious family, and diligently investigate the motive, spirit and reason which lead them to the religious life."

5. Of a truth, after the youthful candidates for the religious life are chosen early and prudently, the superiors will zealously see to it that, together with the religious instruction suited to their age, the preparatory studies which are usually given in gymnasia [6] are imparted to them; [7] "so that they do not enter the novitiate before they have completed the course of the so-called humanities, unless occasionally a sufficiently weighty reason suggests a different decision," [8] in which case it must be completed before the philosophical course is begun.

[4] 27 December, 1930—*Acta Ap. Sedis,* XXIII (1931), 120-129; ECCLESIASTICAL REVIEW, LXXXIV (1931), 614-612, 614-616.

[5] Ap. letter *Ubi primum,* 17 June, 1847.

[6] These are more or less equivalent to our high school and junior college.

[7] Code of Canon Law, canon 589.

[8] Pius XI, ap. letter *Unigenitus Dei Filius,* 19 March, 1924—*Acta Ap. Sedis,* XVI (1924), 140.

6. First of all, before the actual entrance of the candidates into the religious institute, the Superiors must use the greatest diligence that youths are admitted, not in herds and hastily,[9] but only those in whom the signs of a divine vocation are discerned and there is every hope that they will be dedicated to the ecclesiastical ministry permanently and with profit.[10] They shall procure still fuller reports before they admit the aspirants to the novitiate [11] and supply the possibly insufficient testimonials by making other accurate investigations through trustworthy persons. Superiors should also obtain information concerning the morals of their families, viz., whether their parents are free from vices which may easily reappear in their offspring. Doubtless in determining candidates for the priesthood, the ordinary indications of a religious vocation do not suffice, but the special signs proper to the state of clerics are also required. Therefore the sacred canons prescribe that one novitiate be had for clerics, another for lay brothers, so that that completed for one class does not count for the other.[12]

7. After completing their novitiate, the young religious must be placed in houses in which the full observance of the laws flourishes, and where the perfect common life and poverty are followed and where also other affairs are so disposed that these young religious may the more profitably make their course of philosophy and theology. During this time the Superiors will see to it that the youths do not relax in their striving after virtue, and are restrained from reading books and papers by which they can in any way be hindered in their studies. And, as regards the recreation of the mind, they should be kept also from those physical exercises which do not at all become clerics, according to the very severe warning of the Council of Trent: [13] "Thus it behooves clerics, called to the lot of the Lord, to arrange their whole life and habits in such wise that in their dress, bearing, gait, speech and all other matters, they reveal naught but what is in moderation

[9] Pius X, letter *Cum primum*, 4 August, 1913, to the Master General of the Dominicans—*Acta Ap. Sedis*, V (1913), 388; Pius XI, *loc. cit.*

[10] Canon 1363, § 1.

[11] Canons 544-545.

[12] Canon 558.

[13] Sess. XXII, *de reform.*, c. 1.

and redolent of religion." Superiors shall also provide that the spiritual directors to whose special care they are committed during the entire course of studies, guide their souls to a religious and clerical life, both by opportune admonition and by instruction and exhortation: [14] for only in this manner will they in the end exhibit solid learning united with a most holy life.

8. In regard to the study of the sacred sciences let them always keep before their eyes the most earnest words of our Holy Father Pius XI: [15] "Since the ministers of the Church must esteem very highly and master thoroughly the knowledge of the sacred things, the main purpose of Our exhortation is that We may inspire religious, whether they have already received the priesthood or are to be admitted to it later, to cultivate the sacred sciences, without a knowledge of which they will not be able perfectly and entirely to fulfill the duties of their vocation. As it is the exclusive or at least the foremost purpose of those who have consecrated themselves to God, to adore God and to contemplate or meditate upon divine things, how shall they fulfill this most difficult office, unless they possess a knowledge of the faith fully grasped and understood? We desire that they principally attend to this who spend their retired life in the contemplation of heavenly things; for they err, if they suppose that, having either beforehand neglected or later laid aside their theological studies, and deprived themselves of that abundant knowledge of God and of the mysteries of faith which is derived from the sacred studies, they can easily dwell on higher things and be elevated to a more intimate union with God. As regards the others, however, whether they teach, or preach, or are sent on the missions, or mingle with the people in the daily intercourse of life, assuredly that varied exercise of the sacred ministry will enjoy the greater strength and efficacy, the more brilliant and forceful the sum of their erudition is."

9. Since, however, this education of the young men cannot be accomplished where occasion is given for distractions or

[14] Canon 588, § 1.

[15] Ap. letter *Unigenitus Dei Filius,* 19 March, 1924—*Acta Ap. Sedis,* XVI (1924), 136-137.

where the youths are permitted to roam about different houses or to dwell with their parents, therefore, without a just and weighty cause, regarding which the conscience of the Superiors remains seriously bound, they are not allowed to undertake journeys, but they shall constantly remain in the houses of studies; and there they shall apply themselves to the exercises of piety and learning, until they have completed their course of studies. This holds also, if at any time by permission of this Sacred Congregation it should happen that they are elevated to the priesthood before the completed fourth year of sacred theology.

10. Since the greater dangers occur at the beginning of the priestly life, Superiors should take precautions that after ordination and the completion of the course of studies, the young men are not left to themselves, but that for some time they have a special care for them. In order that this may be the more easily accomplished, they should assign them to houses where the perfect observance of regular life prevails, and where they may undergo a special probation according to each one's abilities. In the mean time they must continue their studies and give proof of their constant advance in them according to the rule of the sacred canon which ordains that "religious priests, . . . after having completed the course of studies, shall every year, at least for five years, be examined by learned and discreet fathers in the various disciplines of sacred learning which shall previously have been designated": [16] concerning this matter they shall apprize this Sacred Congregation in the quinquennial report, at the same time giving account of the motive for exceptions, if they decide to make any.

11. All of these duties the Superiors will more easily fulfill, if they bestow special care in the choice of the persons to whom the training of the young men is committed, so that they employ for that office none but prudent men, excelling in charity and in the observance of piety. The spiritual directors, however, and the professors of the sciences should endeavor to be an example of religious discipline and priestly virtues to their students from the beginning, seeing that words contribute little, but examples very much for the development of the souls of the young men.

[16] Canon 590.

II.

ON THE INVESTIGATION TO BE MADE BEFORE THE RECEPTION OF ORDERS.

12. As regards the ordination of religious, in virtue of the canonical legislation the major Superiors either grant dimissorial letters to the ordaining bishops,[17] or at least present their subjects for ordination with testimonial letters.[18] By these testimonial letters the religious Superior does not merely attest that the candidates belong to the institute, but also bears witness that they have completed their studies and that all other requirements of the law have been satisfied.[19] Hence it is evident that the same most grievous obligation by which bishops are bound to train, prove and choose their own secular subjects who seek to receive Sacred Orders, rests upon the religious Superiors whose right it is to permit their subjects to advance to Sacred Orders. And although it rests with the bishops not to be content with the testimony of the superiors and personally to examine the religious ordinand, they are not bound to this, but before God and the Church they can approve the superiors' good testimony and transfer to them the entire obligation of accounting for the training and worthiness of the candidates.

13. Since matters have been wisely ordained thus, the Superiors must consider as addressed to themselves the Apostle's most severe words, which have so frequently been inculcated and by which the Bishops are warned of the very strict obligation of again and again proving candidates, before they admit them to sacred orders: "*Impose not hands lightly upon any man, neither be partaker of other men's sins:*[20] *and let these* (deacons) *also first be proved, and so let them minister having no crime.*"[21] Commenting on the former words, St. John Chrysostom[22] said: "What is *lightly?* Not after a first proof, not after a second, or a third; but after you have several times (*saepius*) considered carefully and accurately examined." And the Code of Canon Law[23] adopting the judgment of the Fathers and Councils, says: "The Bishop

[17] Canons 965 and 966, § 1. [18] Canon 994, § 5.
[19] Canon 995, § 1. [20] I Tim. 5:22.
[21] I Tim. 3:10. [22] Homily XVI, n. 1. [23] Canon 975, § 3.

should not confer sacred orders upon anyone, without being certain of his canonical fitness from positive arguments; otherwise he does not only sin most grievously, but also exposes himself to the danger of participating in the sins of others."

14. Since this is the case, the following is henceforth to be observed by all the Superiors of clerical religious institutes and societies. Before their profession of temporary vows, which must absolutely precede their promotion to tonsure and minor orders, the novices shall present to their superior in writing a request in which in express words they testify to their vocation to the religious and clerical state, and at the same time declare their firm determination to devote themselves forever to the clerical service in the religious state. This petition and declaration shall be preserved in the archives. The superiors, however, shall not allow anyone to advance to orders until they have by accurate investigation convinced themselves of his character, piety, modesty, chastity, inclination to the clerical state, progress in the ecclesiastical studies, and religious discipline. In order to assure this more certainly, they must seek the testimony of his spiritual director, and of others who, by reason of special contact with the students, may perhaps know their life and habits. These reports should not easily be accepted, but should be carefully weighed with due regard for the prudence, sincerity and mature judgment of those who give them. A legal document showing the investigations made and the result of the inquiry shall be drawn up and preserved in the archives. Furthermore, the Superior himself either personally or through another endowed with learning and prudence and capable of gaining the confidence of the young men, shall see to it that they are interrogated, so that he may become the more certain that they voluntarily and with full knowledge aspire to Orders in the religious state.

15. As to the reception of Major Orders the Superiors must bear in mind that by no means can they permit their subjects to be promoted thereto before they have made either perpetual or solemn profession.[24] In religious institutes where perpetual vows are not taken, the Superiors are strictly forbidden to promote their subjects to sacred orders before the

[24] Canon 964, §§ 3, 4.

completed three years of temporary vows; in societies without vows, however, [the Superiors are strictly forbidden to permit their subjects to be promoted to Sacred Orders] before their perpetual enrollment has taken place if there is one, or [otherwise] before three complete years have elapsed after their first enrollment, after the novitiate, into the society.

16. Before the students are admitted to subdiaconate, the Superiors must institute another examination concerning the above-mentioned points.[25] For this purpose they shall again look into the documents of the investigation already made and preserved in the archives, and compare the new testimonies regarding their morals and spiritual qualities with the old ones, so that they may very well know what account the youths have given of themselves since their first profession both in religious discipline and in progress in their ecclesiastical studies. After this is finally done, if they are found worthy and fit, the Superiors can grant them dimissorial or testimonial letters for ordination; observing those things which are ordained in canon law and in their own constitutions.

17. In all religious institutes or societies, however, before the Superiors present their subjects for the subdiaconate, besides the prescribed investigation (n. 16), they must demand of them, in view of their ordination, to follow in due time, an attestation, signed in the candidate's own hand and confirmed before the Superior under oath, of the following tenor:

I, the undersigned *N.N.*, a member of the Order or Congregation N.N., after carefully considering the matter in the presence of God, under oath attest that, when I presented to the Superiors my petition to receive the order of subdiaconate: 1. I was not impelled by any coercion, or force, or any fear in receiving that same order, but I voluntarily desired it, and with full and free will intended to receive it together with the burdens connected with it.—2. I acknowledge a full understanding of all the burdens arising out of that same sacred order which I freely take upon myself and which with the help of God I purpose to observe throughout the whole course of my life. — 3. I aver that I clearly comprehend what is prescribed by the vow of chastity and the law of celibacy and

[25] See n. 14.

I firmly resolve with the assistance of God to observe that entirely to the end of my life. — 4. Finally in sincere fidelity I promise that in conformity with the sacred canons I shall always be most dutifully obedient in all that shall be enjoined upon me by my Superiors, according to the discipline of the Church, and I am ready to give others example of virtues in deed as well as in word, so that by the reception of so high an office I may merit the reward promised by God. So I attest and swear, upon these Holy Gospels of God which I touch with my hand.

N.N. by my own hand

.....day.....month.....year

18. It must be noted that in Orders with solemn vows the above-mentioned attestation signed in the religious's own hand and confirmed by oath, must be made before his profession of solemn vows.

19. In the dimissorial letters for the ordination of their subjects, to be granted according to the regulations of the Code of Canon Law, as also in the testimonial letters, the Superiors shall bear witness to the ordaining Bishop regarding all these things, under the burden of their conscience. But the Bishop is free at his pleasure also to make inquiries privately of the religious ordinands.

20. Although for the order of diaconate and priesthood it is not necessary to obtain such extensive information and new testimony, the Superiors must be watchful and see, whether, in the interval between the conferring of one order and the other, new facts have appeared, which disclose that the vocation to the priesthood is doubtful or prove that there is none at all. In this case, after most careful investigation and counsel with prudent men, they shall absolutely forbid the reception of the new order and refer the matter to this Sacred Congregation, by which it will be decided in each case what appears before God to be more opportune.

21. All these things Our Holy Father Pius XI, by Divine Providence Pope, in an audience on the first day of December of the year 1931, after he had heard the report made by the undersigned Cardinal Prefect of the Sacred Congregation, deigned to approve and confirm, commanding moreover that the present instruction be brought to the notice of the Highest

Superiors of clerical religious institutes and societies, to be perfectly observed by them, ordaining also that at the beginning of every year it shall be read to the religious clerics, and that in their quinquennial reports they inform this Sacred Congregation of the faithful fulfillment of these regulations.

All things whatsoever to the contrary notwithstanding.

Given at Rome, from the Secretariate of the Sacred Congregation of Religious on the day and in the month and year, as above.

Fr. A.H.M. CARD. LÉPICIER, O.S.M., *Prefect.*

L. * S.

V. La Puma, *Secretary.*

DIARIUM ROMANAE CURIAE.

PONTIFICIAL APPOINTMENTS.

Assistant at the Pontifical Throne:

18 November, 1931: The Right Rev. John March, Bishop of Harbor Grace, Newfoundland.

Protonotary Apostolic ad instar participantium:

5 October, 1931: Monsignor Aloysius Joseph Schute, of the Diocese of Davenport.

Domestic Prelates of His Holiness:

27 May, 1931: Monsignor Bernard Murphy, of the Archdiocese of Hobart, Tasmania.

23 September: Monsignors James Foley, William Joseph McCormick and Martin A. Cone, of the Diocese of Davenport.

7 October: Monsignor William Reding, of the Diocese of La Crosse.

3 November: Monsignor William J. Flynn, of the Archdiocese of Santa Fe.

10 November: Monsignor Victor Primeau, of the Archdiocese of Chicago.

23 January, 1932: Monsignor Joseph D. Mitchell, of the Diocese of Savannah.

3 February: Monsignors John T. O'Brien and John Patrick Molony, of the Archdiocese of Liverpool.

20 February: Monsignor Charles M. Lesage, of the Archdiocese of Montreal.

22 February: Monsignor James A. Kane, of the Diocese of Savannah.

Studies and Conferences

OUR ANALECTA.

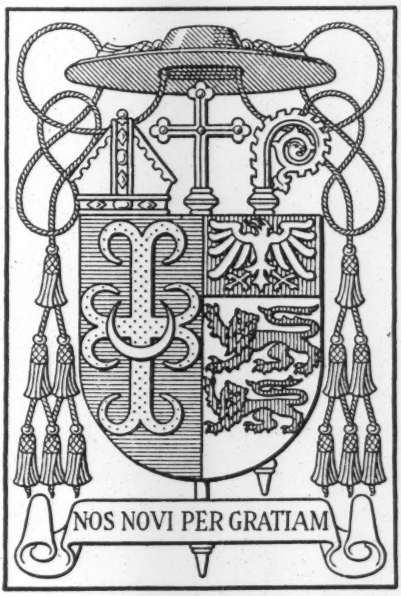
The Roman documents of the month are:

SACRED CONGREGATION OF RELIGIOUS issues an Instruction on the clerical and religious training of members of religious institutes and societies called to the priesthood, and on the investigation to be made before the reception of Orders.

ROMAN CURIA announces officially some recent pontifical appointments.

RECENT EPISCOPAL ARMS.

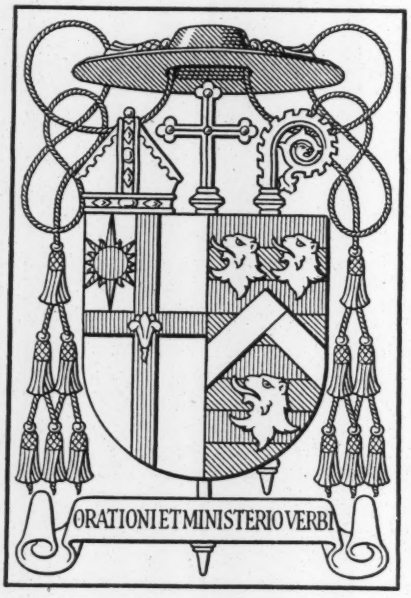
I. ARMS OF THE BISHOP OF TRENTON.



Two coats impaled. A: Azure, a gold cross moline and over it, in the centre, a silver crescent (See of Trenton). B: Silver, two leopards gules, and on a chief of the same a silver eagle (McMahon). The cross moline, or miller's cross, so called because its arms are shaped like the ends of a mill-rind,

has been chosen as the chief charge for the Diocese, recalling that the first settlement at Trenton was a mill. The crescent of the Immaculate Conception indicates the Cathedral dedication to St. Mary. This attribute of Our Lady has been chosen, out of the several possible ones, as its form echoes that of the ends of the cross on which it is placed. The arms of the McMahon family show three lions passant-guardant (when in this position blazoned "leopards" by the early heralds); the top one of the original three has been "suppressed" by the imposition of a chief bearing the eagle of St. John the Evangelist, the Bishop's name Patron.

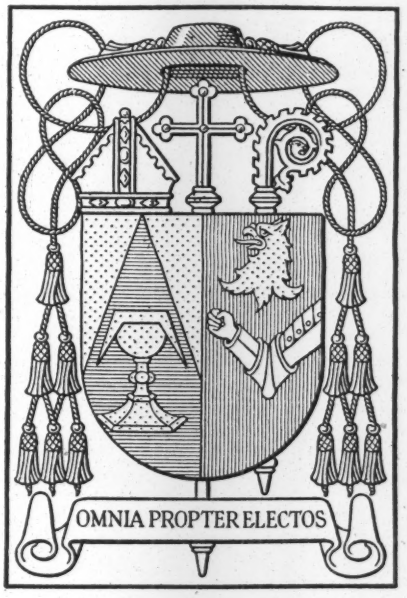
II. Arms of the Bishop of Spokane.



Two coats impaled. A: Silver, a cross gules charged in the centre with a silver lily, and in the canton a sun gules (See of Spokane). B: Barry of eight gules and vert, over all a mason's square as a chevron, between three lions' heads erased, all silver (White). The plain red cross on silver, in the diocesan arms, is the normal symbol of our Faith. The sun is added to indicate "Spokane", as the Spokane Indians called

themselves the "children of the sun". The red and green field of the Bishop's impalement is the same as that of the Borromeo arms, his first name Patron being St. Charles Borromeo; his second name Patron, St. Daniel, Prophet, is indicated by the lions' heads; the mason's square is used to show that he comes from a family of handicraftsmen; and all the charges are in silver, the heraldic equivalent of the "White" of his surname.

III. ARMS OF THE BISHOP OF SACRAMENTO.

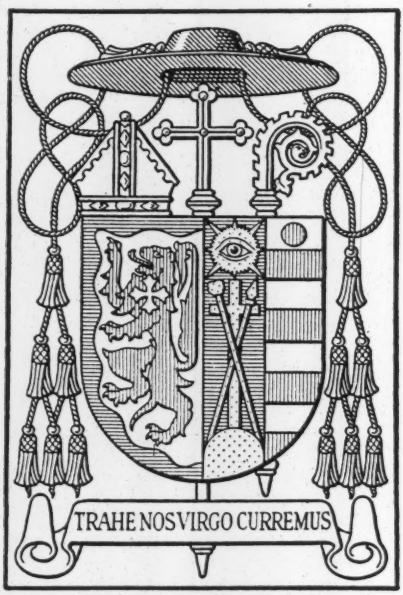


Two coats impaled. A: Azure mantled with gold, a chalice covered with a napkin, both gold (See of Sacramento). B: Gules, from the sinister flank a bent arm in armour, silver, and in chief a gold griffon's head erased (Armstrong). The arms of the Diocese have been explained in the REVIEW.[1] The Bishop's coat is based on that of the English Armstrongs of Lincolnshire which shows three similar silver arms on red—an expressive "rebus" coat. One, only, of these has been

[1] Vol. LXIX, No. 4, p. 412.

used as a sufficient indication of the name, and above it has been placed a griffon's head, from one of the three on the shield of the family of Ryan of Tipperary, from which the Bishop's mother is descended.

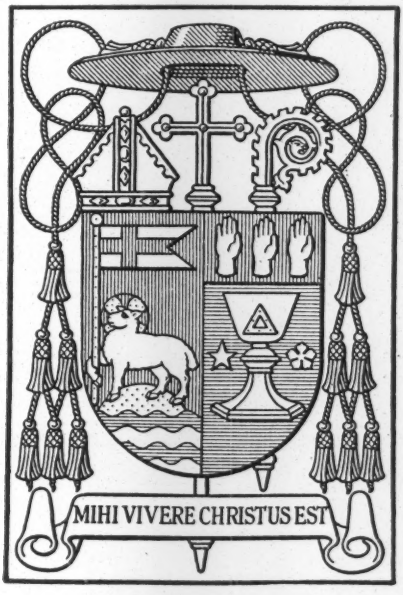
IV. Arms of the Bishop of Poncé.



Two coats impaled. A: Silver, a lion gules charged with a silver cross paty, and a border wavy azure (See of Poncé). B: The arms of the Redemptorists impaling: Barry of eight argent and gules, the first bar charged with a roundel gules (Willinger). The Diocese uses the red lion on silver of the arms of Poncé de Leon, charging the lion with a cross, and placing him within a wavy border of blue, the heralds' convention for water, to indicate the Island of Puerto Rico. The Bishop impales the arms of his Congregation with his personal bearings. These latter are based on the arms of the Willinger family of Bavaria, who bear in the lower half of their shield four horizontal stripes of alternate silver and red: this number has been enlarged to eight in imitation of the coat of the prelate's name Patron, St. Aloysius Gonzaga, whose ancient

shield showed eight horizontal stripes of alternate gold and black. Thus we have a coat similar in design to St. Aloysius's, but in Willinger colors. The red roundel is from the arms of our present Holy Father, as a mark of homage.

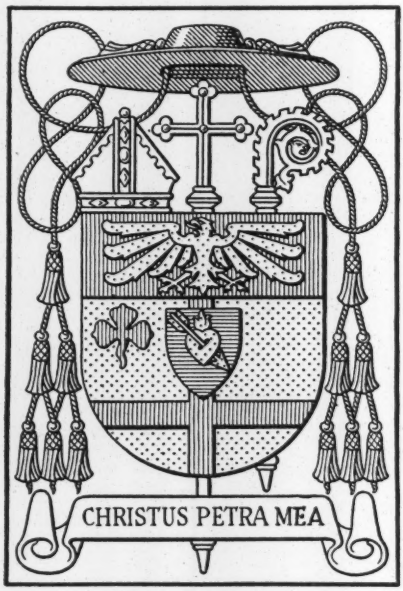
V. ARMS OF THE BISHOP OF SAN JUAN.



Two coats impaled: Gules, a Paschal lamb with banner, standing on a gold mound which rises from a sea barry-wavy of four azure and silver (See of San Juan). B: Azure, a silver chalice charged with a gold triangle between, in fess, a star and a cinquefoil, both silver; on a chief gules three silver hands couped and erect (Byrne). The St. John of the diocesan name is the Baptist, whose heraldic symbol is the Paschal lamb. This charge is a silver or white lamb with a gold halo marked with a red cross of the spreading shape called "formy" (often mistakenly called "paty" by modern heraldists); he carries a banner which shows a plain red cross on silver or white. Here the Island of Puerto Rico is expressed by the mound rising from the sea. For his personal arms the Bishop set his designer a difficult task: his require-

ments were specific symbols for the Holy Trinity, Our Lady, the Little Flower, and the Priesthood. Fortunately, it was found possible to assemble these four disparate charges into a reasonably "patterned" design; after which, as such a coat alone would scarcely answer the first purpose of heraldry, which is identification of its bearer, a chief was added from the arms of the Byrne family.[2]

VI. Arms of the Bishop of Hippo, Auxiliary to Boston.



Gold, a reversed long-cross throughout and in the canton a trefoil, both gules, and on a chief of the same a golden eagle; on an inescutcheon azure a heart inflamed and pierced with an arrow bendways, both gold (Peterson). The reversed cross ("throughout" means with the four ends extending to the edges of the shield) is an heraldic attribute of St. Peter who was crucified head-downward. It indicates the prelate's family name, and the eagle of St. John, in the chief, his bap-

[2] Unfortunately, the 1932 edition of the *Catholic Directory* gives, under San Juan, the arms which Monsignor Byrne bore as Bishop of Poncé, with the Poncé diocesan impalement, now borne of right only by Monsignor Willinger.

tismal name. The trefoil, from the O'Connell arms, is a mark of homage to his Ordinary. The small inescutcheon shows the apocryphal coat of St. Augustine of Hippo.

PIERRE DE CHAIGNON LA ROSE.

REPETITION OF EXTREME UNCTION.

The letters that follow from His Excellency Bishop MacDonald and the Rev. Dr. Kilker have been read by each writer. It will be noticed that Bishop MacDonald has in mind Dr. Kilker's article in our January number and his reply as found below.—EDITOR.

I.

To the Editor, THE ECCLESIASTICAL REVIEW.

As it is not given me to reproduce the relevant paragraphs of my article on "Extreme Unction" in the REVIEW for January 1910, I can only refer the reader to that number.

The Rev. Dr. Kilker, in his article in the January number of this year (pp. 41-54), tries to make out that I meant the ancient Latin custom of repeating Extreme Unction each day for seven days was an abuse, though I didn't say so. I really did not mean it at all. Speaking in the light of what we know to-day, I argued that the repetition of the unction in the same sickness should be regarded as invalid. It is an open question, and one need not incur the note of temerariousness for maintaining the affirmative.

I had argued, "the very fact that the repetition of it is not lawful goes to show that it would not be valid. Why forbid its being administered over and over again if the sacramental effect were increased and added grace given every time?" Dr. Kilker appends in a footnote: "Nimis probatur. Why confine the reception of Communion to once a day, since its reception would be certainly valid and even highly advantageous to the recipient?" He misses the point, which is this: If the repetition of the unction day after day for several days were valid and fruitful, as the reception of Communion undoubtedly is, why forbid the repetition day after day in the one case when it is not only not forbidden but highly commended in the other? The parallel is in "day after day",

not in "more than once a day", which is permitted in neither case. The Council of Trent has ruled once for all that the unction is not to be repeated in the same illness save in case of convalescence and relapse.

After pointing out that the Greek practice of having several priests perform the unction, each in turn, was not regarded as a repetition of the sacrament, but as needful for the proper administration thereof, I went on to say: "It is plain that in the middle age, between the eighth century and the twelfth, there was great diversity of teaching and practice regarding the repetition of Extreme Unction, some maintaining that it should not at all be repeated, others that it might, while still others appeared to think that it was to be repeated or at any rate might be repeated daily in the same sickness. The doctrine regarding this point was then in course of development. Those who would have us go back of the Council of Trent, by the path of literary and historical research, for fuller light upon it, permit themselves to forget this."

So long as there existed this diversity of practice in the local churches, each priest would of course follow the custom of his own church. No one could call in question the lawfulness of the practice. But now that the Council of Trent has laid down the doctrine of the Church which constitutes a law and norm for all time, the case is different. To-day the ancient Latin custom of repeating the unction each day for seven days, far from being helpful in the determination of this question, would certainly be regarded as an abuse, being contrary to the ruling of Trent and the prescription of the Roman Ritual.

So, even if one were to say that the custom in question was an abuse, one would no more be open to the charge of temerariousness than if one should say that those were in error who opposed the doctrine of the Immaculate Conception in the middle age. It would be but the viewing of the matter in the light of the riper knowledge we enjoy to-day.

The practical rule for the guidance of our priests is this prescription of the Roman Ritual which is now embodied in the Canon Law: "In the same sickness this sacrament cannot be repeated unless the sick person recovers and again falls into danger of death."

The law says, "cannot be repeated", which may imply that the iteration would not be valid. The practical direction given by the Council of Trent is: "If the sick should recover after having received this unction, they may again get the succor of this sacrament when they fall into a like danger of death."

Mark the word "may", for the Council does not say they should, but that they may. Accordingly, even when a priest is so devoted to the sick that he wants to repeat the sacrament once a month when there is no such notable improvement as to warrant the prudent judgment that there is not any longer danger of death, it will be well for him to forego the exercise and provide for the spiritual comfort of the sick person by administering Holy Communion, of which the iteration and daily reception have the undoubted sanction of the Church.

I am indebted to Dr. Kilker for thus enabling me to make my meaning clear.

ALEXANDER MACDONALD.

Toronto, Canada.

II.

To the Editor of THE ECCLESIASTICAL REVIEW.

His Excellency, Bishop MacDonald objects to my statement made in the January 1932 issue of the REVIEW (p. 45) that he regarded the ancient Latin custom of anointing the identical organs of a sick man each day for seven successive days as an abuse. He also takes exception to my statement there that such a condemnation on his part seemed to be temerarious. The Bishop refers also to his own article in the January 1910 issue of the REVIEW, where he does not apply the term "abuse" to this question.

My justification then must lie in an exposition of the reasons why I came to the conclusion mentioned in my own article; and to do this I must have recourse to the terminology of the Bishop's article. It is indeed difficult to ascertain the exact meaning or viewpoint of a writer; and it is far from my intention to ascribe a theological view to the Bishop which he does not hold. I can simply endeavor to show that his language was of such tenor that my conclusion, that he regarded the procedure in question as invalid (and therefore, an abuse), is not far-fetched.

From the language of his article it is beyond peradventure of doubt that the Bishop maintains re-unction in the self-same danger of death is positively invalid. Although his article carried the general title "Extreme Unction," at least nine-tenths of his article is concerned with the question of the reïteration of the sacrament. If, then, it is shown that he regards reädministration in the same danger as invalid and sacrilegious, it seems logical that he should regard a practice of anointing each day for several successive days as a very decided abuse.

Let us see what the Bishop actually did say in his article. In the first place, he draws an argument for invalidity of repetition from the perdurance of the effects of the initial administration. "Now these effects endure until death. . . . If they did not endure, then a person who lies dangerously ill should be anointed over again at least once a day as long as the danger lasts. Since, therefore, they do endure, to repeat the sacrament in such a case is to expose it to the *manifest risk of being null and void, which would be sacrilege*" (pp. 20-1).

He next argues that the primary end of the sacrament does not warrant a repetition in the same danger of death, stating that "the sacrament, being a divine ordinance, does its work effectively . . . so that *nothing more remains to be done* if the sickness is really unto death. . . ." (P. 21).

Finally, the Bishop shows the distinction between the proper effect of Penance, viz., the remission of sins, and Extreme Unction. After stating that the repetition of the latter sacrament in the identical danger of death was prohibited implicitly by the Council of Trent (p. 22) and explicitly by the Roman Ritual (p. 23), he asks: "Would not the repetition of it be at least valid?" The answer follows immediately (p. 23): "There does not seem to be any good reason for affirming that it would. In the first place, the very fact that the repetition of it is not lawful goes to show that it would not be valid. Why forbid its being administered again and again if the sacramental effect were increased and added grace were given every time?[1] Moreover, this sacrament . . . has for its proper

[1] *Nimis probatur.* Why confine the reception of Communion to once a day, since its repetition would be certainly valid and even highly advantageous to the recipient?

effect the spiritual healing of the soul. Now as a sacrament, as God's own medicine, it does its work effectually, it does heal the soul, and therefore to repeat it would be as *void of effect and as senseless as the giving of medicine to a well man . . .* Which is to say, that if a sick person is prepared by the anointing with oil to meet death, he is prepared, and it is *absurd to speak of his being further prepared . . .*" (Italics mine).

It seems to me that if the Bishop looks upon repetition of the sacrament as "void of effect and senseless," as without warrant, as "null" and "sacrilegious", he cannot help regard the Latin practice of older days as an abuse. And to ascribe this viewpoint to him did not at the time of my writing seem injustice or misquotation. Nor does it seem so now.

Bishop MacDonald mentions the ancient Latin practice of anointing each day for seven successive days. He observes that this practice was "never widespread and was never recognized or sanctioned by the Church" (p. 23). Yet the inclusion of the rubric in numerous rituals (quoted by me in my article and found with explanatory remarks also in Kern, pp. 339 sqq.), is evidence of the duration and extent of the practice. It was indeed widespread and of at least four centuries' duration. It was existent in France, Germany, England and Italy. A synod, held in Valens,[2] in 1255, decreed: "Illud notandum est, quod istud sacramentum tantum praestatur adultis, et sicut Paenitentia *iteratur, ita et istud sacramentum.*" At the beginning of the fourteenth century a similar decree is found in the synodal decrees at Bayeux:[3] "Doceant saepe sacerdotes populum, hoc sacramentum licite posse iterari et saepe recipi in qualibet magna infirmitate, unde mortis est metus."

Finally, from the Bishop's own article, two writers, Bandinus and Abelard, can be brought forth as witnesses that there was a diversity of custom in the number of times Extreme Unction was administered to a sick man (p. 23).

Now a custom so extensive, so long perduring could not have escaped the notice and at least the tacit approbation of the Church. To condemn it seems to me still to be temerarious: first, because it involves the responsibility of implying that

[2] Harduin, VII, 1979.
[3] Harduin, VII, 1237.

thousands upon thousands of invalid Unctions must have been made, and also because it leads us into even greater difficulties in explaining the present Greek practice wherein several priests anoint, one after another, on the same day.

In my article I endeavored to show at least probability for the opinion holding the validity of repetition of Unction in the same danger of death. This opinion is gaining champions apace. Canon 940, § 2 does not settle the question at all. Indeed some authors hold that canon 947, § 1 contains a specific exception. When a man, anointed in emergency with a single unction, is afterward anointed upon the five senses, these writers (e. g., Sabetti-Barrett, *Th. M.*, p. 799; *Il Monitore,* vol. XXIX, p. 166) contend that this is a lawful (and therefore, valid) repetition of the sacrament in the self-same danger of death.

ADRIAN J. KILKER.

Philadelphia, Pa.

THE WESTMINSTER VERSION.

To the Editor of THE ECCLESIASTICAL REVIEW.

At the opening of a friendly notice of the fourth volume of the Westminster Version of the Sacred Scriptures in the April number of the REVIEW, I read with some alarm: "This volume completes the Westminster Version of the New Testament." This statement is so likely to lead to trouble that I beg your permission to correct it. We have brought out our fascicles and volumes as they have been ready for publication. "Slow and sure" has of necessity been our motto, especially as we have had to deal with collaborators already all too busy; and to have followed the order of the finished work would have meant far greater delay. In actual fact St. Luke's two works still await publication; I have myself finished the Acts of the Apostles, which we shall soon begin to print, after which St. Luke's Gospel will be published, by the Right Rev. Mgr. Dean, D.D., President of the Seminary of the Liverpool Archdiocese at Upholland, who has already published admirable editions of the other two Synoptic Gospels. We shall then assemble the first (Synoptic Gospels) and second (St. John and Acts) completed volumes, and proceed to an abridged

edition of the New Testament. I need not say that we are fully conscious of the great help which the support of the REVIEW has given us in an undertaking made far more difficult by the War and its consequences.

C. LATTEY, S.J.

Heythrop College,
Chipping Norton, Oxon, England.

COLLECTIONS: TO WHOM DO THEY BELONG?

Qu. To whom do the regular collections taken up on Sundays in the chapel of a hospital belong? To whom do these offerings on Christmas and Easter belong? While the chaplain is usually granted the faculties of a pastor, he receives only the remuneration of an assistant priest.

Resp. It is quite evident that the various collections taken up in a parish church belong to the parish. They are the contributions of the faithful toward the upkeep of the entire parish.

The same reason does not exist for taking up collections in the chapel of a hospital or other charitable institution. Nevertheless in some institutions similar collections are made. Usually the hospital is in such financial straits that this extra contribution is of much assistance in supporting it. This is all the more true if, besides immates, visitors attend services in its chapel. It is beyond a doubt that the offerings made in the chapel of an institution are intended for the maintenance of the chapel and certainly are not given for the chaplain.

What is to be said about the Easter and Christmas collections? Even in dioceses in which, according to the statutes, the collections taken up in the parish church on those days accrue to the pastor, it would not follow that the collections taken up in the chapel of an institution belong to the chaplain. But neither would the fact that the chaplain enjoys quasi-parochial rights, while his remuneration is not so large as that of a pastor, lend itself to any solution of the point. That question could be settled only by the Ordinary or by ascertaining the intention of those who contribute.

COPYRIGHTED MUSIC AT LITURGICAL FUNCTIONS.

A recent instruction of the Sacred Congregation of the Council [1] complains of untoward occurrences resulting from the singing of modern compositions in church without the consent of the composers and publishers. While the Sacred Congregation disavows the demand for royalties for the rendition of such works at the divine services, it directs Ordinaries not to permit the use of such compositions in church during the liturgical functions unless the authors and publishers renounce in writing any claim for royalties for the execution of such music at divine services. Anticipating an objection to this ruling, the Sacred Congregation calls attention to the fact that this restriction need cause no undue lack of suitable music, since both the Gregoria chant and the older classical polyphonic music that comes within the laws laid down by Pius X in his Motu Proprio of 22 November, 1903, can be freely rendered in church as well as many modern compositions for the free singing of which in church composers and publishers have granted permission. The instruction furthermore directs the diocesan boards of sacred music to provide information regarding such works. This information can also be obtained from the Pontifical Institute of Sacred Music, Rome.

ABSTINENCE WHILE TRAVELING.

Qu. Some priests believe they are dispensed from the obligation of abstinence on Fridays when traveling on a steamship or on trains. Yet on the transatlantic boats especially and on many trains the menus present fish and vegetable food in sufficient quantity and quality. Is the very fact of traveling an excuse to eat meat?

Resp. It is possible that these priests have heard that in Austria travellers as well as those who eat in restaurants are permitted to eat meat on all days of the year, except Good Friday. But this is permitted only in virtue of an indult granted for Austria.[1] This is a strictly local indult of which visitors while in Austria can avail themselves.[2]

[1] Istruzioni circa l'essecuzione della musica sacra nelle chiese, 25 February, 1932—*Acta Ap. Sedis*, XXIV (1932), 73-74.

[1] Cf. *Archiv fuer Katholisches Kirchenrecht*, CVII (1927), 275.

[2] Canon 14, § 1, n. 3.

Traveling is not in itself sufficient reason to hold oneself exempted from the law of abstinence or even for a dispensation. The convenience of modern travel and provision of various kinds of food permitted on days of abstinence do not occasion any new difficulty in the observance of abstinence.[3]

THE MORALITY OF LISTENING TO PROTESTANT RADIO SERMONS.

Qu. How far are Catholics permitted to listen to Protestant sermons over the radio?

Resp. Listening to Protestant (or other non-Catholic) sermons over the radio is an act the morality of which should be judged, broadly speaking, by the principles that govern the *analogous* questions of reading Protestant (or non-Catholic) religious literature and of participation in Protestant religious services, with special attention, in addition, to the bearing of the question of the direct and the indirect voluntary in the matter.

Three general types of such sermons may be distinguished. There is first the rabid anti-Catholic lecture, speech, sermon of the type emanating from such as Franklin Ford, Bob Shuler, and their compeers. The general rule may be laid down that no Catholic, without a very special reason, may listen to such a broadcast. Yet to listen for a few moments out of curiosity when such a program comes in as one twirls the dials in the selection of a program, should not be considered in itself as sinful. In this same category, so far as lawfulness of listening in is concerned, should be included the equally, if not more dangerous, type of broadcast which may be best described as a "question box". In this class of broadcast a fair-minded Protestant minister undertakes to answer all manner of questions which are often of a personal nature. The result is very generally a doctrine of rampant indifferentism couched in such language that the evil is veiled under the dress of tolerance, broad-mindedness and the like. For this very reason it is perhaps all the more insidiously dangerous to the ordinary Catholic, who will be misled here, while he will be more often

[3] Cf. J. Haring, "Die Brobachtung des Fastengebotes auf Reisen", *op. cit.*, CVIII (1928), 97-98.

inclined to be repelled by the utter and evident absurdities of the openly anti-Catholic speaker.

The second type of sermon may be designated as the political, so-called patriotic sermon in which we may include such as discuss topics of the day, literature, art and all the various other non-religious matter with which many Protestant announced sermons concern themselves. Inasmuch as and to the extent that these broadcasts cannot be called sermons in the true sense of the word, there would seem to be *per se* no objection to listening to them.

The third class includes those sermons which are truly of a religious nature, without, however, being of a decided and *ex professo* anti-Catholic or indifferentist character. It is listening to sermons such as these that constitutes the main problem to be solved and reference is solely to this type in the discussion that follows.

I. 1. The primary point to base one's judgment on is that of the intention of the listener. Here the principles of the direct and the indirect voluntary should be applied. If the act directly willed in the listening is the auditory equivalent of reading a religious book written by a non-Catholic, or one expounding and defending heresy, the act is sinful. *Per se* it is gravely sinful *ex genere suo,* but will be in the concrete, perhaps more generally, only lightly sinful because of extenuating circumstances. (Cf.—by analogy—Can. 1399, § 2, § 4).

2. Similarly if the act directly willed in the listening is a certain *communicatio in sacris* (it is not, of course, strictly such in the theological sense), it is gravely sinful *ex genere suo.*

Moreover, in both these cases the guilt is intensified if the act is repeated frequently, especially if it is done in a quasi-habitual manner.

3. If the direct voluntary is, e.g. elocution study, or later refutation of errors, or to listen to a eulogy of some prominent public character (i.e. if the direct voluntary is something good in itself or at least indifferent), and if there is proportionately grave reason for so acting, compared to the possible danger of perversion, such listening is lawful, in itself.

4. If the primary purpose for listening in on such a program is merely amusement or curiosity, if the sermon is not seriously

followed, and especially if only a portion of the sermon is heard, *per se* there is no sin.

The licitness of § 3 and 4 always is based on the fulfillment of the conditions *secluso scandalo* and *secluso periculo perversionis*. In Rome, however, such listening in is probably unlawful, even when scandal and danger of perversion are not present. This judgment may be deduced by analogy from the fact that in Rome one is not allowed to listen (in person) to a Protestant sermon even out of curiosity (cf. Noldin, vol. ii, § 40, p. 47).

II. Scandal may easily result from listening to Protestant sermons over the radio, especially in a family where the children may quite naturally misunderstand the otherwise lawful purpose of an adult member. Or, in a mixed marriage family, e.g. the Protestant member or members may interpret the Catholic's listening to Protestant sermons or services as approval or even *communcatio in sacris*. Hence what would be or at least might be *per se* lawful and permissible may become sinful and to be avoided, because of the danger or certainty of scandal.

III. There may be danger to faith in listening in to such programs, or at least danger of temptations against faith. This would be especially true of Catholics who seriously and as it were habitually listen to Protestant sermons over the radio. What would be otherwise lawful would, naturally, in these circumstances, be sinful. (Cf. also: ECCLESIASTICAL REVIEW, vol. 73—July 1925—p. 47: Pastor Antiquus: "Father Juvenis Invests in Radio"; vol. 76—March 1927—p. 305: Paul Waldron: "Religious Broadcasting" and "Listening In"; vol. 76—May 1927—p. 479: Patrick A. Collis: Religious Broadcasting and "Listening In".)

TELLING A PATIENT HE IS GOING TO DIE.

Qu. What practical rules should guide a priest in telling the sick that they will die?

Resp. It is presumed from the form of the question that the proposer limits the discussion solely to the one point of how to tell a sick man he is going to die. Hence it does not include the much wider question, or its cognates, of practical

rules as to how to attempt to persuade a reluctant patient to accept, or antagonistic doctors, relatives, or friends to permit, the administration of the sacraments.

1. A remote but very practical rule is to instruct the people so that they will wish to be told when death is nigh.

2. It is generally unwise, inexpedient, and rather apt to do more harm than good to address a patient bluntly, didactically and with finality in any such form as: You are going to die; You are at death's door; You are going to die to-day.

3. A formula, varying according to circumstances, should be used which, while it prepares the patient to accept death if that is to be his lot, yet may leave him some hope. Thus will it be easier to forestall and overcome any temptation to despair. The aim should be so to inspire the patient that he can say from his heart: "O God, I am ready now to die, if it be Thy holy will," rather than to attempt to raise him to that much more difficult degree of resignation in which he would be compelled to say, "O God, I *know* I am about to die; Thy *holy* will be done."

4. The doctor should be consulted, if necessary, for any useful information concerning the nature of the patient's illness, his present physical condition, etc.; for evidently the priest must be more skillful and adroit in his approach in some cases than in others.

5. Similarly the religious history of the patient will often give a hint to the priest. The scrupulous, the obdurate, the careless, the pious—each presents a separate problem.

6. The priest should, as a rule, lead up very gradually to the actual notification, by recalling to the patient, according to the latter's state in life, education, etc. such fundamentals as God's love for man, and our love for God, the Redemption, etc. etc. Needless to say, there should be no argumentation, unless the priest judge it absolutely necessary.

7. Rather than resorting to argumentation, the plan of tentative preliminary, unwearying visits should be adopted as a method for breaking down the reserve, coldness, indifference or opposition of the patient. As in the general question of the administration of the sacraments, so on this point the priest

should remember that Christ has made him a "fisher of men"; and he must angle as skillfully as possible for many and many a soul. His motif must be gentleness, kindness, tact, and long-suffering ignoring of all obstacles placed in his way.

8. Holy water and a crucifix in the sick-room, and the hints of a pious nurse may often prepare the way.

9. The formula of notification may adapt itself from the following, which is suggested solely as a type: You realize now that you are not at all well (you are seriously sick; seriously injured; your life may even be in danger, etc. etc.), and I am sure that as a good Catholic you want to be prepared for any emergency. Ask our Blessed Mother, then, to pray for you and help you to make a good confession, so that if God should call you now you will be ready (to meet our Saviour unafraid, etc.). And afterward when I am anointing you, think of . . .

10. If it should be advisable in some cases to dwell further and more explicitly with the patient on the probability or imminence of his death, the way to do so will suggest itself from the circumstances that make such further discussion advisable.

11. In emergencies when such rules as the foregoing will for the most part be of little value, the conscientious priest may assuredly rely on the extension of our Saviour's promise, which, though made in view of other circumstances, we may piously believe will cover the present situation: "Nolite cogitare, quomodo aut quid loquamini; dabitur enim vobis in illa hora quid loquamini."

THE CONFESSOR AS JUDGE.

Qu. Must a confessor pass actual judgment on every sin that is confessed?

Resp. No, it is not necessary that a confessor pass actual judgment on each separate sin that is confessed to him in a given confession. The sacramental judgment that the confessor hands down in the tribunal of Penance is not a detailed judgment on each sin committed; it is one general judgment on whether the penitent is worthy or not worthy to receive

absolution. The confessor arrives at this judgment by considering the matter that the penitent places before him, as any normal human being would listen to and weigh any ordinary conversation in which each detail is attended to as a part of a whole. The confessor listens, indeed, to all the sins, remarks each as best he can, often with varying success, notes the species and gravity so far as he can, but a separate complete judgment for each is unnecessary because such procedure would be very difficult and often impossible, and is in general contrary to the normal human way of acting.[1] Consider in this connexion the case of a priest hearing confessions in a language which he does not understand well; or absolving an unconscious dying man.

MECHANICAL COUNTERS AND THE SEAL OF CONFESSION.

Qu. Are mechanical counters forbidden by the decree which deals with the keeping of the *Sigillum?*

Resp. Evidently our inquirer has in mind the use of such counters for the purpose of ascertaining the number of confessions heard *publicly in church.* Since the fact of these confessions is by its very nature public, their number alone does not come under the Seal of Confession. In fact there is frequently a need of the pastor's knowing the number of persons who have gone to confession, in order to prepare a sufficient number of particles to be consecrated for Communion and so avoid shortage or excess.

In certain extraordinary circumstances the use of such counters might violate the Seal of Confession. Thus, if a distinct record were kept of the confessions of a small community made secretly and at an extraordinary time, this would reflect upon the entire community whenever those confessions would raise a suspicion of so many having gone to confession at special times on account of grievous sins. However, if these were counted, not separately, but in one series with those heard in public, there would be no violation of the Seal of Confession, unless it could be figured out how many such special confessions were heard, whence a similar suspicion could arise.[1]

[1] Cf. Cappello, *De Poenitentia,* N. 766.

[1] Cappello, *De Sacramentis,* vol. II, pars I: *De Poenitentia* (2 ed., Turin: P. Marietti, 1929), n. 901, 7°.

WHO MAKES THE INVESTIGATIONS BEFORE MARRIAGE?

Qu. Who institutes the investigation of the *status liber* of the parties to be married, obtains the necessary dispensations, and makes the other canonical preparations? The pastor who delegates another priest, or the one who is delegated?

Resp. By the very nature of things it would seem that all these matters ought to be attended to by the proper pastor who delegates. This appears to be the mind of the Church, as laid down in canon 1096 § 2. It is the accepted view of canonists.[1]

In most instances it would be nearly impossible for the delegate to make the investigations. Still the pastor who delegates might delegate this duty to the priest he delegates to assist at the marriage. But this ought not ordinarily to be done.

SOCIALS IN THE BASEMENT OF A CHURCH.

Qu. Under the church we have a basement in which we have parties, v. g. card parties, suppers, plays for the benefit of the church. Occasionally we teach catechism in the basement. Now in reading the canon law, I discover that this seems to be forbidden. In Canon 1164 § 2 it is said that the places under the church cannot be used for mere profane purposes. What I would like to know is this: Do the words "mere profane purposes" forbid parties in our basement? If so, I am afraid many priests will suffer thereby, because most of the churches have basements used for parties, etc.

Resp. Churches have always been held in the highest esteem by the faithful. From the time that Christians were enabled to erect buildings devoted to religious service, everything of a profane nature was banned not only from the space immediately used for the divine services, but also from the remainder of the structure above and below that part. This practice has been safeguarded by numerous laws.

Canon 1164 § 2 renews the former prohibitions in this respect with the words: ". . . locaque, si absint, subter ecclesiae

[1] J. Linneborn, *Grundriss des Eherechts* (Paderborn: F. Schöningh, 1919), p. 72, 359; A. Knecht, *Handbuch des Katholischen Eherechts* (Freiburg i. B.: Herder, 1928), p. 632; J. Chelodi, *Ius Matrimoniale* (3. ed., Trent: Libr. Edit. Tridentum, 1921), n. 133, *e*); Th. M. Vlaming, *Praelectiones Iuris Matrimonii* (3. ed., Bussum: Soc. Edit. Anonyma, 1921), II, n. 572, II; A. De Smet, *De Sponsalibus et Matrimonio* (3. ed., Bruges: Ch. Beyaert, 1920), n. 679; N. Farrugia, *De Matrimonio* (Turin: P. Marietti, 1924), n. 229, *a*).

pavimentum aut supra ecclesias, ad usum mere profanum ne adhibeantur." From this it is evident that the use of the basement of a church, even if it is not consecrated, for fairs, bazaars, socials, theatrical performances and the like, is forbidden.[1] But conferences to Catholic societies are not considered profane and are therefore not forbidden to be given in the basement of the church.[2] Manifestly, teaching catechism or other similar religious instructions cannot by any stretch of imagination be considered other than a holy function and is likewise permitted in the basement of the church.

The Congregation of Rites has declared that it is not allowed to use a part under a church, especially if consecrated, as a cellar and the like for storing wine and other merely profane articles, even if the entrance to it is outside the church building.[3] Nevertheless, some hold that storing the various utensils employed in the divine services in the basement is not forbidden, since they are not merely profane, but enjoy a certain sacred character.[4]

Reverence for the house of God readily convinces us of the impropriety of using even the basement for purposes, no matter how innocent and no matter how noble the end for which they are intended, which detract from the sanctity of the edifice hallowed by the Holy Sacrifice of the Mass and by the august Presence of our Lord in the Holy Eucharist.

FIRST COMMUNION AFTER BREAKING FAST.

Qu. Sometimes it happens that a child, about to receive First Holy Communion, breaks fast by drinking water. According to some, Rome seems to have given permission for such a child to receive Communion. Others say they have not heard of such a permission. May it be permitted?

Resp. None of the authors we have consulted mention any papal concession for a case of this kind. Neither do they

[1] Gasparri, *De SS. Eucharistia,* (Paris, 1897), n. 130; M. A. Coronata, *De Locis et Temporibus Sacris,* (Turin: P. Marietti, 1922), n. 18, 1° c); A. H. Feldhaus, *Oratories,* The Catholic University of America, Canon Law Studies, n. 42, (Washington, 1927), p. 110-111.

[2] A Coronata, *loc. cit.*

[3] 31 August, 1867, ad V—*Decr. Auth. C. S. R.,* n. 3157.

[4] A Coronata, *loc. cit.*

enumerate this among the cases in which there is a cause excusing from observing this fast.

Authors see sufficient reason to excuse one from the law of fast before Communion in the danger of defamation, scandal or suspicion, viz. when the omission of Communion,[1] on account of having broken the fast, would expose a person to the charge or the suspicion of some guilt, e.g. of drunkenness. Beyond this they demand a "damnum gravissimum, ex. gr. populi offensio, animarum perturbatio, dicteria, suspiciones et alia id genus incommoda, quae minus recte a plurisque theologis referuntur indiscriminatim ad scandalum et ad infamiam."[2]

It is evident that rarely, if ever, any circumstance of such a nature would be present in a case where a child is to receive First Holy Communion. There does not, therefore, seem to be sufficient reason to permit a child who has broken his fast to receive even First Holy Communion.

THE SUMMER SCHOOL FOR PREACHERS.

Our subscribers will welcome announcement of a novel venture being inaugurated this summer at the Catholic University of America. During the Summer Session, 24 June to 4 August, will be conducted a *Preachers Institute,* a project that is expected to develop into a national college for Preachers.

The Preachers Institute is started to fill a need felt by the clergy and the hierarchy for a service of this kind. Priests themselves have been the first to recognize the need for additional opportunities for training in preaching. They have been asking for training that would help them prepare practical, timely and interesting sermons. They have also asked for personal direction in the elimination of fundamental voice defects and in correcting inefficient habits of vocalization that creep in on even the most experienced preachers.

The Institute aims to be practical and intensive. For this reason the courses (six weeks) will be open only to priests, both regular and diocesan. In admitting only priests, the authorities have in mind the economy of time in capitalizing

[1] They are speaking of a priest celebrating Mass; but manifestly the same reasons hold for receiving Communion after breaking fast.

[2] Capello, *De Sacramentis,* (Turin: P. Marietti, 1921), I, n. 512.

the experience of ecclesiastics who have done actual preaching and who feel the need of more training. It will point out to them the changing standards of public speaking and preaching created by the radio and the talking pictures and will stress the elimination of personal defects by immediate attention to each student.

I. The first course is devoted to sermon composition and Rhetoric. It will include a review of the factors involved in Rhetoric, a consideration of diction and style, a presentation of the chief rhetorical precepts and a review of grammatical rules, giving special attention to the common errors in the use of language. It will aim to refresh and expand the vocabulary of the individual. This course will be in charge of Dr. Henry Edward Cain, of the Catholic University.

II. A second course will deal with the art of the spoken word. It will give practical instruction in the training of the speaking voice, with special emphasis on breathing, voice placing and articulation. This course will be in charge of Adolph M. Wasilifsky, A.M., also of the Catholic University.

III. A third course will be devoted to the work of practical sermon building. Consideration will be given to the sources of material for preaching and to the development of preaching-mindedness in reading. There will be special emphasis on the methods of taking and preserving notes and on the building of sermon outlines. Practical demonstrations of these preliminaries to preaching will be given daily.

IV. A fourth course to be given might be called a preacher's workshop. In this it is projected to coördinate and to supplement all the work of the Institute. Here there will be daily and individual practice in the reading of the Sunday Epistles and Gospels and in the making of Sunday parish announcements. Here also there will be daily practice sermons for different kinds of audiences and with special attention to the elimination of individual defects and the development of the powers of expression. These two courses will be under the direction of the Rev. Dr. Ignatius Smith, O.P., under whose supervision the Institute will operate as a part of the Summer Session of the Catholic University.

Criticisms and Notes

WITH JESUS TO THE PRIESTHOOD. Meditations for Seminarians and Priests. By Jules Grimal, S.M., S.T.D. Translated and adapted from the sixth French edition by Gerald Shaughnessy, S.M., S.T.D. The Dolphin Press, Philadelphia. Pp. 600.

The long promised and ardently desired translation from French into English of Father Grimal's well-known meditations has at last been published. The rendering, an adaptation rather than a mere translation, is due to Father Gerald Shaughnessy, a member, like the author of the original, of the Society of Mary and favorably known by his accurate contributions to the literature of Catholic population statistics.

The American clergy are already familiar with an earlier work of Father Grimal, *The Priesthood and Sacrifice of Our Lord Jesus Christ* (McVey, Philadelphia), done into English by His Excellency, the Most Reverend Michael J. Keyes, Bishop of Savannah.

The original of the "Meditations" under review has enjoyed exceptional vogue, as will be readily seen, if it be considered that the translation just published is made from the sixth French edition, and that a manual of meditations destined for the clergy has necessarily a very limited circulation.

The rather unusual title, *With Jesus to the Priesthood*, is, like the Meditations throughout, based on the Sacred Scriptures: ". . . He made that twelve should be *with Him* . . . " (Mark 3: 14). It seems to carry the implication that the meditations are intended exclusively for seminarians. This is in no way the case. The aim of the work is to prepare the seminarian to become and to enable the priest ever to remain an *Alter Christus*. The Meditations help both to a keen insight into the meaning of the texts of Holy Writ and to a practical application of Christ's teaching to the details of their spiritual life. Although originally written in French, the book is so well adapted as to suit admirably ecclesiastics of an eminently practical turn of mind like the American clergy. No less an authority than the Very Reverend Father Dyer, late President of St. Mary's Seminary in Baltimore and Provincial of the Sulpicians in the United States, added, in expressing his earnest desire of an English translation of the book: "I feel that it will be a power for the formation of our young aspirants to the priesthood."

A short excerpt (it is impossible to give more here) may help the reader to a more accurate understanding of the nature of the meditations. On the subject, "Suppressing Spiritual Jealousy," we

read: "John answered Him (Jesus), saying: 'Master, we saw one casting out devils in thy name, who followeth not us, and we forbade him' (Mark 9:37). This was really the first instance of this frightful disease (spiritual jealousy), which is such an agent of harm in the kingdom of God. . . . The disease may present complications: stubborn attachment to our own views, superstitious exclusion of all but our very own methods, undue worship of our own masters and traditions, perhaps even immoderate attachment to some religious family or school—these may in varied ways be present, but radically the focus of the evil comes to this: we seek to constitute ourselves the principle and source of all apostolic work, because we would make ourselves its end. Hence we would hinder any work for which we do not ourselves obtain the credit. 'We forbade him, because he followeth not with us' (Luke 9:49)."

The book appears most opportunely as the season of ordinations and clerical retreats is approaching. Priests are at times consulted in the matter of suitable gifts for ordinands. A book such as this can be readily recommended.

As for the technical features, two indices, one Scriptural, the other topical—a rather unique feature in a manual of meditations—enhance the value of the work, which appears in convenient size, with flexible binding. The Dolphin Press is to be congratulated on the service it has rendered in placing at the clergy's disposal in such a handy form a volume of six hundred pages at a most moderate price. The complaint is often heard that Catholic publishers price their books too high: it would indeed be hard to find a secular publisher willing to print and publish such a work on the same terms.

THE ANGELIC DOCTOR. By Jaques Maritain. Translated by J. F. Scanlan. The Dial Press, New York. Pp. xviii+300.

In the recent past many thought that the renewed interest in the life, the environment and the writings of the Angelic Doctor would be of short duration. But the unbroken succession of volumes dealing with these phases of the career of Aquinas proves that interest in him goes on unabated. The latest work of this kind has been done by the eminent Jaques Maritain. The original appeared in French about a year ago and it is a tribute to the merits of the author and of this volume that it has been done into English so soon by Dr. Scanlan.

The Angelic Doctor must be judged by the limitations placed on it by the author himself. "This essay is not," he says in the Preface, "an exposition of the doctrine of St. Thomas: it is an attempt rather to illustrate certain essential aspects of the personality

and influence of the Angelic Doctor, of present and ever effective influence as much as and even more than his past influence; for it is not a medieval Thomism the author has in mind but a perennial and 'actual' Thomism."

In the first chapter the author deals with St. Thomas the Saint. It is an interesting and compendious biography of the saint and leans heavily on the chronology offered by Père Mandonnet. The second chapter treats of the Angelic Doctor as "The Wise Architect". The fundamental attitude of the author in this chapter is that "St. Thomas has prepared the conceptual and rational apparatus, the metaphysical apparatus of the mind, which Christian culture needs, and by means of which we may hope that it will achieve its unity in the great world" (p. 94). This chapter offers one of the finest and most facinating appreciations of the Thomistic synthesis that has ever been written. It could have been written only by one endowed with the broad culture and learning of Dr. Maritain.

The third chapter characterizes St. Thomas as "The Apostle of Our Time". The author says that "St. Thomas is peculiarly the apostle of the mind: that is the first reason why he is to be considered the apostle of our time. The second reason is what may be described as the absolutism of truth in his soul and in his work with the triple consequence of absolute purity in intellectual quality, absolute rigor of logic and at the same time of harmonious complexity in doctrine, and absolute docility of obedience to reality" (p. 121). "The apostle of the mind, the doctor of truth, the restorer of the intellectual order, St. Thomas wrote not for the thirteenth century but for our time . . . I say he is a contemporary writer, the most modern of all philosophers" (p. 129). In the development of these pivotal ideas the author is most profound in his reasoning, most exalted in his enthusiasm and most comprehensive in his learning.

The fourth chapter presents Thomas as "The Common Doctor". "It is merely an attempt to define the attitude adopted by the Catholic Church in regard to the philosophy of St. Thomas, leaving theology, which maintains an intrinsic and essential relation with faith, out of consideration" (p. 149). Dr. Maritain proceeds to develop very extensively the relations of philosophy with theology, with the other sciences, with the authority and with the particular enactments of the Popes approving and commanding the study of the Angelic Doctor. This is done sympathetically, accurately and without intemperate exaggerations. Papal documents are freely quoted and scientifically interpreted.

Not the least important feature of this valuable volume are the appendices. These embrace, first, a set of chronological tables of the events in the life of St. Thomas with his writings. Scholars

who lean toward the conclusions of Dr. Grabmann concerning the authenticity and dates of composition of St. Thomas's writings will not be pleased with the preference shown by Maritain for the conclusions of Mandonnet. These tables are followed by a list of the Popes who have directly or indirectly insisted on the support of Thomistic principles. This list is a schematic synthesis of the monumental work of Berthier, *Sanctus Thomas Aquinas, Doctor Communis Ecclesiae.* The appendices conclude with a reprint of three great encyclicals on the Angelic Doctor, the *Aeterni Patris* of Leo XIII, the *Doctoris Angelici* of Pius X, and the *Studiorum Ducem* of Pius XI.

The translator should be congratulated for his prompt and efficient work in bringing this unusual book before the English-speaking world.

EVOLUTION AND THEOLOGY: The Problem of Man's Origin. By the Rev. Ernest C. Messenger, Ph.D. (Louvain). London: Burns Oates & Washbourne, Ltd. 1931. Pp. xxiv+313.

This closely reasoned scrutiny of Biblical, Patristic, and Scholastic literature awakens at first sight no little surprise that Catholic sources can have contained so much latent propensity to evolutionary principles. Careful sifting and weighing, however, dispels the illusion, and Dr. Messenger's successive findings unconsciously reveal the soundness of common Catholic opinion by their repeated failure to establish anything really pertinent to the contrary. Though his theology is original rather than representative, it is forever missing contemporary evolution to capture something else instead.

On the origins of non-human species his positive opinions have no serious backing. The quality of his exegesis appears in the confident verdict that we *must* accept "spontaneous generation" as the inspired teaching of Genesis on the origin of plants and animals in general, as also in his claim that the Septuagint preserves the original text of Genesis i, and the Hebrew that of Genesis ii. He exhibits St. Gregory of Nyssa as teaching that man "derived" his animal qualities from the brutes produced before him; but such a "derivation" accomplished in three days is as far from modern transformism as spontaneous generation itself. The familiar appeal to St. Augustine's *rationes seminales* is exploited at full length—for the last time, one should hope, in this irrelevant connexion, since it has no point of contact with any mutation of species.

On the question of the origin of man, the author well observes that only a human body could be apt for union with a rational soul.

This disposes of Mivart's compromise. But the suggested alternative demands Divine intervention for the humanizing of a body generated by non-human parents, a postulate which would make a "Catholic evolutionist" *sui generis* indeed. The *bête noire* appears to be the *consensus Patrum et theologorum* to the effect that Adam's body was formed from inert matter by the efficient causality of God alone. Rightly the author notes that this consensus does not bind *de fide*; not satisfied with that, he tries to discredit its existence. His chosen witnesses are of another mind. Of modern theologians, who handle this thesis with evolutionary theories expressly in view, only five are quoted at length, but the most liberal of these brands the ascription of an evolutionary origin to Adam's body with the note *temeraria*, leaving Catholic acknowledgment of the aforesaid consensus just where it stood in Mivart's day. Somewhat the same opinion seems, indeed, to be Dr. Messenger's own conclusion on this point. He has, however, the audacity to say that, in the Biblical Commission's affirmation of a "peculiar creation of man", the term *homo* denotes the soul alone. Such license in interpreting the plainest term in a canonical decree is enough to indicate the value of his guidance.

The book remains an interesting collection of specialized (though heterogeneous) evidence on its own peculiar theme and scope. But it will not be likely to deflect the current of mature opinion in any degree toward the degrading idea of man's common origin with the brute creation, least of all at the very time when man's unique distinctness in activity from the rest of the animal world presses with growing insistence upon the observation of science itself.

THROUGH THE EAST TO ROME. By the Rev. G. J. MacGillivray, M.A. Benziger Brothers: New York. 1932.

A convert of long standing showed on a certain occasion little sympathy for stories of conversions. He seldom referred to the reasons that brought him into the Church. He hardly even spoke of his former co-religionists. It was his opinion that only rare circumstances justify the unfolding of those personal experiences which bear fruit in the gift of faith. He seemed to believe that some tales of conversion lack good taste and judgment and offend unnecessarily those who continue to accept what the convert has rejected. While there is some warrant for this attitude, it can hardly be questioned that the transition from one faith to another is always of commanding interest. The narrator of such a change may at times offend good taste and deal severely with those he has left behind; nevertheless, these limitations are accidental. The

candid and full story of a conversion is almost invariably unto edification.

The author of *Through the East to Rome* was born in Scotland, was baptized and brought up as a member of the Episcopal Church of that country. He was ordained a minister of the Church of England. Later on in his ministerial career he was sent to the East to labor in what was called the Assyrian Mission, an Anglican Church venture among the Eastern Churches. The significance of the title of the book is explained in the preface. "It was chiefly", says Father Macgillivray, "through the experiences of four years spent among the 'separated Churches of the East' that I was led to the Catholic Church."

The book is admirable in every respect. It is kindly and generous to the former confrères of the author. The data about the various Eastern Churches are illuminating. Not less interesting and instructive is the description of the attitude of the Anglican Church toward various denominations and also of the toleration within the Anglican fold of many and contradictory religious opinions. After reading what Father Macgillivray has written on these two points, one is less disposed to judge harshly the clergy of the Anglican Church who, in Catholic opinion, hold a position illogical and untenable.

In 1905 a Doctor Wigram took charge of the Assyrian Mission. He changed the policy of his predecessor who belonged to the rigid High Church school. "He held," says Father Macgillivray, "that the Catholic Church ought to be a sort of Federation of National Churches. His idea was that some day all the separated Eastern Churches would find some common formula of belief, on which they could all agree, and it was the mission of the Church of England, its daughter churches, and all the Eastern Churches in communion with one another, forming a strong federation of national churches through the world. And then finally the Roman Church would abandon its arrogant exclusive claims; and join the federation, the Bishop of Rome being allowed a 'Primacy of Honour' over the whole; and so the Catholic Church would again be one."

Doubts of the soundness of this theory of church unity disturbed Father Macgillivray. He says: "One thing, I found which made the carrying out of this programme impossible, was that the Church of England did not know its own mind. It was all very well for the Church of England to undertake to teach all those Eastern Churches, but what exactly did we propose to teach them?" Restless and uncertain, he began a search for truth. Eagerly, anxiously and conscientiously that search continued. The outcome was his reception into the Catholic Church by a Benedictine of Downside

Abbey. The final decision was not taken hurriedly. On the eve of his baptism, he was sorely tried by temptation to draw back before it should be too late. In telling of this great trial, he writes: "I knew that this was only a temptation. I knew that I was not acting on impulse, or from any emotional causes, but on a solid conviction arrived at after a long and strenuous search."

He states frankly: "I never *wanted* to be a Catholic. I rather disliked the idea of it. I became a Catholic because I had to. It had become perfectly clear to me that the Catholic Church was the one true Church of God, and therefore I must belong to it. It would not be too much to say that the grace of God and the force of inexorable reason pulled me into the Catholic Church against my will."

No better book can be placed in the hands of those who are considering the claims of the Catholic Church, or who are about to recognize her authority. Still more, this intensely interesting story, because of its lucid exposition of Catholic teachings and convincing refutation of modern errors, is a notable addition to Catholic apologetic literature.

Literary Chat

Conditions in America call for a business training at least sufficient to enable priests to look after the finances of a parish. In many instances these finances are of serious moment. Receipts and revenues are large, contracts must be made, loans effected, and accounts must be kept carefully and accurately. As comparatively few seminarians have had business experience before beginning their studies for the priesthood, it is obvious that the seminary should make up for this deficiency. How far this is done, there is no way of learning. But if a course in accounting is not provided for seminarians, then it is inevitable that parishes in charge of priests who lack training in this respect will suffer. *Bookkeeping for Parish Priests* (by the Rev. Daniel J. Kaib, O.S.B., St. Vincent's Seminary, Latrobe, Pa.) contains a simple method for the keeping of church accounts. It serves admirably as a text book for the business course in seminaries.

The Rev. Peter Lippert, S.J., has brought together twenty-two essays which had appeared in the *Stimmen der Zeit*. (*Vom guten Menschen*, Herder & Company, Freiburg, Breisgau, 1931, pp. 359). The first section of the work takes up questions of spiritual excellence viewed from psychological, moral and religious aspects. The second section discusses personal phases of faith, the spiritual mission of the Church and the priesthood. Two chapters (pp. 227 and 246) contain a series of interpretations of the spirit of the priesthood that made profound appeal. The author finds consciousness of consecration, strong sense of responsibility, appreciation of religion as vocation, and loneliness or detachment as fundamental elements of true priestly outlook. The second chapter referred to interprets the sorrows of the priest from the standpoint of high appreciation of his mission and a sympathy that finds the interests of God everywhere. Superficial attitudes toward

life and true values, the misdirection of the soul amidst struggles and distractions, wide diffusion of sin and error, shallowness, are found to be sources of concern and suffering for the priestly heart. The author in his treatment rises above details which many of us never view in the aggregate, and calls attention to the collective significance of them in defeating the benevolence of God, as the means and processes of sanctification reveal it. Perhaps some of our American publishers would find it well worth while to issue a translation of at least the chapters that interpret so well the spirit and mission of the priesthood.

There are few who realize the dilemma of the college graduate when he undertakes to find his place in the social wilderness that this world is, as he faces the task of making his living. It is true that more or less is done by colleges to direct their students as ability and opportunity permit direction. Nevertheless very much remains to be done before we shall have smoothed the pathway that the college graduate will take toward life. Dr. Edward J. Menge has undertaken a much needed service by bringing together within the limits of 175 pages a wide range of information useful to the college graduate whose major interest has been in science. (*Jobs for the College Graduate in Science*. Bruce Publishing Company, Milwaukee.) The author has consulted competent authorities who have offered fullest coöperation in making available the information which was sought. The fields covered are those of Mathematics, Physics and Chemistry, Medicine, Engineering and Biology. The little volume should have a place in all college libraries and the attention of the students might well be called to it.

The writer of these lines has just looked through six volumes of the Catholic edition of *The Music Hour*, with mingled feelings of surprise and delight. Provision is made for the awakening and direction of musical appreciation and training, beginning with the kindergarten child and upward through the grades, in five books. The basic work was prepared by Osbourne McConathy, W. Otto Miessner, Edward Bailey Birge and Mabel E. Bray, all of them occupying outstanding positions in the direction of public school music. This Catholic edition represents an adaptation of the general work to the needs of Catholic children. The Most Reverend Bishop Joseph Schrembs, Reverend Gregory Huegle, O.S.B., Musical Director, Conception Abbey, Conception, Missouri, and Sister Alice Marie, O.S.U., Diocesan Supervisor of Music, Cleveland, are the editors.

Lacking technical knowledge of music, this writer confines himself to the impressions which the works made on him as they aim to meet the needs of children and to give expression to their joy in living. Some years ago one of the most competent investigators of children's institutions in the United States said that one of the best tests of the care of institutional children is found in the kind of music that they know and the spirit with which they sing. We may infer then that if children know only religious hymns, their natural joy in living and the play of imagination may have been overlooked. If children know no religious hymns, it is to be feared that their spiritual needs have been overlooked. There are perhaps few adults with any feeling for music who are not touched and refreshed when they hear religious hymns that they sang as children.

It is the same child, beloved of God, who plays marbles, runs races, climbs trees, says its prayers, studies the catechism and sings a sacred hymn at Mass. For the unity of life, first principle of philosophy, defeats all efforts to divide life. These music books represent this fundamental unity of life and they aim to train children to be near to the thought of God in their games as well as in their prayers. We find side by side one song on God's greatness and one on playing marbles. The Foreword of Bishop Schrembs indicates all of this as follows. "In the home the children have received their first impression of God, His Mother, the angels and the saints; when they come to school and sing hymns in their honor they will feel

instinctively that their religious world is, after all, not isolated from daily experiences but a permeating influence, lighting up and elevating all other activities to a spiritual plane. . . With this in mind the editors have interspersed religious songs with songs of home, school, play, toys, nature, fairies, etc., because religion necessarily belongs in the midst of the dear familiar things of everyday life. It is a simple matter to lead from the idea of the earthly home with all of its sanctified experiences to the idea of the heavenly home where a loving Father is watching over us all." (*The Music Hour in the Kindergarten and First Grade,* Catholic Edition: First, Second, Third, Fourth and Fifth Books, Catholic Edition, Silver-Burdett and Company, 39 Division St., Newark, New Jersey.)

The publishing house of Pierre Téqui, Paris, brought out recently in two volumes (pp. 261 and 251) *Les Fêtes Chrétiennes,* by M. le chanoine R. Turcan, as a sequel to *Cours de Dominicales,* also recently prepared by him. They complete a course of practical instructions written presumably for the benefit of busy French priests. If translated, they should prove helpful to many American priests, who are possibly more burdened with parish activities than are priests in France. The feasts of the ecclesiastical year are arranged under three headings: Feasts in honor of the Godhead; feasts in honor of Jesus Christ; feasts of Our Lady and the Saints. Each section is provided with a brief introduction, and every feast is discussed historically and described in a style both simple and attractive.

A study of types of women met in the Bible narrative has been made by Marie-Thérèse Gadala. (*Le Feminisme de la Bible.* Tome Premier, La Genése à L'Exode. Paris, Librairie Orientaliste Paul Geuthner. Pp. 108.) The author attempts to give us the psychology of the women of Genesis and Exodus. Other volumes will follow. We have in succession Eve, Sarah, Rebecca, Rachel, Lea, Thamar, the wife of Putiphar in the history of Joseph, and the women connected with Moses and his mission.

The reader should not expect a strictly historical analysis, for apparently this is not the purpose. The author draws from all sources: the Bible, Talmud, Qabbala, Mitrash, Arabian and Persian poetry, etc. Eve is depicted in the language of Milton more than in that of Genesis. The author uses past records for a peg on which to hang her subjective interpretation. A biblical scholar will certainly object to certain assertions, v. g. that Abraham taught astronomy to the Egyptians (p. 22); or that Semiramide introduced eunuchism, as the author implies (p. 49).

The book shows wide reading, is written in excellent French and contains some delicate touches of feminine psychology. Probably literary art is the main purpose of the author, and in that she has succeeded.

An important addition to Biblical works intended for the class-room is made by Father Henry J. Grimmelsman. (*The Book of Ruth.* A Translation and Commentary for Schools and Colleges. Scott, Foresman and Co., N. Y. Pp. xii + 72.) This little volume of some seventy pages is due to the author's desire to supply a need in schools, colleges and sodality classes, in which there is hardly any systematic study of Biblical texts. Ruth is a little gem which forms a unit and which consequently can be treated in a reasonable number of hours.

Dr. Grimmelsman begins with a translation from the Hebrew text which is both literal and accurate. He follows it up with an Introduction in which he deals with the history of this dark and troubled period of the Judges, to which Ruth forms a pleasing contrast. Father Grimmelsman analyzes the main characters of the book: Noemi, Ruth, Booz, and takes up various other problems connected with it.

The purpose of the author explains why he deals successively with the geography, climate, vegetation and history of Palestine including Transjordan. Naturally he dwells specifically on Bethlehem, and on Moab, the birthplace of Ruth. This is followed by other topics necessary for the understanding of the book: Marriage,

Levirate, Harvesting. Then comes a rather extensive commentary showing the author's accurate acquaintance with the customs and psychology of the Hebrews. This little volume contains much information on the life of the Hebrews and of the Oriental peoples in general.

The Master General of the Order of Preachers, the Most Rev. M. S. Gillet, O.P., by letter of 2 February, 1930, authorized the formation of the "Historical Institute of the Friar Preachers". The organization, composed of Dominican historical scholars, is to have its quarters at Santa Sabina, the first formal convent instituted by St. Dominic. Just recently the Institute published the first number of the *Archivum Fratrum Praedicatorum*. Their purpose is to publish historical studies and researches as well as to edit original sources. The current issue tells of the plans of the Institute to publish, among other treatises, a continuation of such noteworthy productions as the *Scriptores Ordinis Praedicatorum* of Quetif-Echard, the *Monumenta Historica Ordinis Praedicatorum* and the *Bullarium Ordinis Praedicatorum*, collections indispensable to a study of Dominican history.

The first semi-annual issue of the new *Archivum Historicum Societatis Jesu* (Rome, Borgo Santo Spirito, 5, January-May, 1932) has been welcomed by scholars of all creeds as a notable achievement in itself and as an encouraging sign that the scholarship of the great Society is to be directed anew toward the work of historical erudition. Each volume is to contain contributions of five kinds: historical essays based on original sources; rare or unprinted documentary material; miscellanies or short sketches based upon the sources; book reviews and bibliography; and a chronicle of historical activities in the Jesuit provinces throughout the world. Contributions will, generally speaking, be in Latin. The use of English, French, German, Spanish, Italian, and Portuguese will be permitted; in each case, however, there is to be a short summary in Latin at the head of the article. The two issues making up each volume will appear on 20 January and 20 June, and each part will contain 176 pages. Later, if conditions warrant it, the *Archivum* will appear quarterly.

Hardly any part of the contents of this first number should be overlooked in presenting the *Archivum* to the American clergy. There are articles by the celebrated Italian Jesuit, Peter Tecchi Venturi, now known to the world as the providential agent, under our Holy Father, Pius XI, of the concord between the Vatican State and Italy; by the Rev. Thomas Corcoran, S.J., one of that brilliant Dublin group which edits *Studies*, and by the Rev. Martin C. D'Arcy, S.J., who contributes an essay in English on the poet, Gerard Manley Hopkins, S.J. The contemporary history of the Jesuit missions throughout the world is to be given in each issue. The section on America, however, is deferred to the June issue of the *Archivum*. It is difficult to believe that we are reading this scholarly periodical in the third decade of the twentieth century, when, in advertising those volumes of the celebrated *Monumenta Historica Societatis Jesu* which are still on sale, a new sign (the sign of death) has had to be used by the editor to depict those volumes which were destroyed in the burning of the Madrid Jesuit Library on 11 May, 1931: "Haec est illa funebris crux quam cogimur apponere tot aliis voluminibus quae barbaries in fidem catholica furens perdidit die 11 maio 1931." What an epitaph for the birth of the Spanish Republic!

We published in our December 1931 issue (page 642) a brief commendatory notice of a projected Infirmary for Priests at Raton, New Mexico. It appears that there is some confusion about the project, particularly in respect of its character as a national or local undertaking. Information comes to us that the administration plans originally made have been changed. If any of our subscribers feel a particular interest in the work, it might be well for them to obtain adequate information directly before taking action.

Books Received

SCRIPTURAL.

THE CATHOLIC STUDENT'S "AIDS" TO THE STUDY OF THE BIBLE. By Hugh Pope, O.P., S.T.M., D.S.Scr., late Professor of New Testament Exegesis in the Collegio Angelico, Rome. Vol. IV: The New Testament (The Gospels). With Preface by Cardinal Gasquet, O.S.B. P. J. Kenedy & Sons, New York. 1932. Pp. xviii—417. Price, $2.95 *postpaid.*

THEOLOGICAL AND DEVOTIONAL.

THE SCHOOL OF JESUS CHRIST. By Père Jean Nicolas Grou, S.J. Translated by Mrs. Rodolph Stawell. With an Introduction by Dom Roger Hudleston, Monk of Downside Abbey. Benziger Brothers, New York, Cincinnati, Chicago, San Francisco. 1932. Pp. xxiii—458. Price, $3.75 *net.*

THE BEAUTIES OF MOTHERHOOD. By the Right Rev. Dr. Placidus Glogger, O.S.B. Translated and adapted by the Rev. Ambrose Reger, O.S.B. P. J. Kenedy & Sons, New York. 1932. Pp. iii—121. Price, $1.10 *postpaid.*

THE MAID OF LISIEUX AND OTHER PAPERS. By the Rev. Albert Power, S.J., M.A. Frederick Pustet Co., Inc., New York and Cincinnati. 1932. Pp. vii—142. Price, $1.25 *net.*

LIFE OF ST. JOHN EUDES. By Henri Joly, Member of the Institute. With an Introduction on Liturgical Devotion to the Sacred Heart by the Rev. Dr. Gauderon, C.J.M. Translated from the French by the Rev. Joseph Leonard, C.M. Benziger Brothers, New York, Cincinnati, Chicago, San Francisco. 1932. Pp. xxv—223. Price, $2.15 *net.*

THROUGH THE EAST TO ROME. By the Rev. G. J. MacGillivray, M.A., author of *Father Vernon and His Critics* and *The Way of Life.* Benziger Brothers, New York, Chicago, Cincinnati, San Francisco. 1932. Pp. vii—263. Price, $2.15 *net.*

FAITH AND YOUTH. Experiences in the Religious Training of Catholic Youth as a Phase of Pastoral Theology. By Burton Confrey, M.A., Ph.D., Dean of Catholic Junior College, Grand Rapids, Mich. With an Introduction by the Rev. William J. Kerby, S.T.L., LL.D., Ph.D., Catholic University, Washington, D. C. Benziger Brothers, New York, Cincinnati, Chicago, San Francisco. 1932. Pp. xii—226. Price, $2.15 *postpaid.*

THE VEIL IS LIFTED. By the Rev. Joseph B. Code, St. Ambrose College, Davenport, Iowa. Bruce Publishing Co., Milwaukee, Chicago, New York. 1932. Pp. xx—161. Price, $1.25.

MOODS AND TRUTHS. By Fulton J. Sheen, Agrégé en Philosophie à l'Université de Louvain and the Catholic University of America. Century Co., New York and London. 1932. Pp. ix—238. Price, $2.00.

MEDITATIONS ON THE GOSPELS. By the Right Rev. Ottokar Prohászka, Bishop of Székesfehérvár. Authorized translation from the Hungarian by Margaret de Pál. Revised by Ada Lane. Foreword by C. C. Martindale, S.J. P. J. Kenedy & Sons, New York. 1932. Pp. xiv—248. Price, $2.10 *postpaid.*

CATECHISM. By the Rev. Joseph A. Newman. Large Size. Bruce Publishing Co., Milwaukee, Chicago, New York. 1931. Pp. 159.

GATEWAY OF GRACE. Your Parish Church. By Daniel A. Lord, S.J. Queen's Work, St. Louis. 1932. Pp. 24. Price, $0.10; 50 copies, $4.00; 100, $7.00.

PREPARATION FOR FIRST COMMUNION. By William J. Smith, S.J. Queen's Work, St. Louis. 1932. Pp. 21.

JESUS CHRIST—HIS PERSON, HIS MESSAGE, HIS CREDENTIALS. By Léonce de Grandmaison, S.J. Vol. II. Authorized translation by Dom Basil Whelan, O.S.B. (Book III) and Ada Lane (Book IV). Edited by Douglas Carter. Macmillan Co., New York. 1932. Pp. ix—384. Price, $4.50.

CONSCIENCE. By Romano Guardini. Translated by Ada Lane. Benziger Brothers, New York, Cincinnati, Chicago, San Francisco. 1932. Price, $1.25 *net.*

LIFE OF THE VENERABLE ANNE OF JESUS, Companion of St. Teresa of Avila. By a Sister of Notre Dame de Namur. With a Preface by Father Benedict Zimmerman, O.D.C. Sands & Co., London and Edinburgh; B. Herder Book Co., St. Louis. 1932. Pp. 327. Price, $4.50 *net.*

A YEAR'S PREACHING. Sixty-Six Short Sermons. By the late Very Reverend E. N. Farmer, of St. Joseph's Foreign Missionary Society. Edited by the Rev. F. M. Dreves, of the same Society. Sands & Co., London and Edinburgh; B. Herder Book Co., St. Louis. 1931. Pp. 298. Price, $1.80 *net.*

SIN AND PENANCE. By the Rev. P. Galtier. Translated by the Rev. B. Wall, D.D. (*Catholic Library of Religious Knowledge,* 21.) Sands & Co., London and Edinburgh; B. Herder Book Co., St. Louis. 1932. Pp. 259. Price, $1.35 *net.*

MEDITATIONS AND READINGS FOR EVERY DAY OF THE YEAR. Selected from the Spiritual Writings of St. Alphonsus, Doctor of the Church and Founder of the Congregation of the Most Holy Redeemer. Vol. IV: Part II, 18th to 24th Sunday after Pentecost. Edited by John Bapt. Coyle, C.SS.R. Foreword by Cardinal MacRory. B. Herder Book Co., St. Louis; Talbot Press, Ltd., Dublin and Cork. 1931. Pp. xxii—378. Price, $2.00 *net.*

THOUGHTS ON GOD'S MOTHER AND OURS. By the Rev. J. E. Moffatt, S.J. (*Minute Meditations,* Series I.) Bruce Publishing Co., Milwaukee, Chicago, New York. 1932. Pp. 80. Price, $0.50.

THE MYSTERIES OF THE ROSARY. By John Gilland Brunini. Macmillan Co., New York. 1932. Pp. ix—26. Price, $1.00.

A CHAMPION OF THE CHURCH. St. Peter Canisius, S.J. By the Rev. William Reany, D.D., author of *The Creation of the Human Soul,* etc. Benziger Brothers, New York, Cincinnati, Chicago, San Francisco. 1931. Pp. 206. Price, $1.50 *net.*

VISITES AU TRÈS SAINT SACRAMENT POUR UNE PETITE FILLE. Par Chanoine H. Chaumont. Maison de la Bonne Presse, Paris-8e. 1931. Pp. vi—88. Prix, 2 *fr.* 65 *franco.*

DIVISIO SCHEMATICA SUMMAE THEOLOGICAE S. THOMAE AQUINATIS ac ad Tertiam Partem Supplementi ad Usum Professorum atque Studentium. P. S. Th. Lect. Fr. Gerardus M. Paris, O.P., Professor Apologeticae et Historiae Ecclesiasticae. Marius E. Marietti, Taurini et Romae. 1931. Pp. 73. Pretium, 5 *L.*

DE SACRAMENTIS, Tractatus Canonico-Moralis. Felix M. Cappello, S.I., Prof. in Pontificia Universitate Gregoriana. Vol. II: Pars II—De Extrema Unctione. Accedit Appendix de Iure Orientalium. (*Pontificia Universitas Gregoriana.*) Marius E. Marietti, Taurinorum Augustae et Romae; vel Aedes Univ. Gregorianae, Romae. 1932. Pp. xv—311. Pretium, 15 *L.*

CHRESTOMATHIA BERNARDINA ex operibus S. Bernardi, Abbatis Claravallensis, Doctoris Melliflui, collecta et ad systema quoddam theologicae redacta, Compilatore P. Dr. Emerico Piszter, S.O.Cist., Priore Monasterii ad S. Gotthardum in Hungaria. Marius E. Marietti, Taurini, Italia. 1932. Pp. vii—391. Pretium, 18 *Lib. It.*

CATÉCHISME SUR LE DEVOIR ELECTORAL. Par Cardinal Sevin. Maison de la Bonne Presse, Paris-8e. 1931. Pp. 26. Prix, 1 *fr.* 15 *franco.*

LE DOGME CATHOLIQUE. Livre Premier: Exposé de la Religion. Par Eugène Duplessy, Chanoine de Notre-Dame de Paris. (Tome IV du *Cours Supérieur de Religion.*) Maison de la Bonne Press, Paris–8e. 1930. Pp. xiii—566. Prix, 11 *fr.* 05 *franco.*

VISITES AU TRÈS SAINT SACREMENT POUR UN PETIT GARCON. Par Chanoine H. Chaumont. Maison de la Bonne Presse, Paris–8e. 1931. Pp. vi—89. Prix, 2 *fr.* 65 *franco.*

FAUT-IL AVOIR UNE RELIGION? A Ceux Qui Cherchent ou Qui Doutent. Par H. Mathieu, S.J. Maison de la Bonne Presse, Paris–8e. 1931. Pp. 49. Prix, 2 *fr.* 15 *franco.*

LA DOCTRINE SOCIALE DE L'ÉVANGILE. Par Mgr Ruch, Évêque de Strasburg. Maison de la Bonne Presse, Paris–8e. 1931. Pp. 63. Prix, 2 *fr.* 25 *franco.*

LÉON OLLÉ-LAPRUNE. Par Jacques Zeiller. Préface par l'Abbé J. Wehrlé. (*Les Moralistes Chrétiens.* Textes et Commentaires.) J. Gabalda & Fils, Paris. 1932. Pp. 320. Prix, 21 *fr. franco.*

LE DÉCALOGUE DE L'AUTORITÉ PATERNELLE. Par le R. P. Ch. de Maillardoz, S.J. Préface de Mgr Lavallée, Recteur des Facultés Catholiques de Lyon. Maison de la Bonne Presse, Paris–8e. 1931. Pp. x—197. Prix, 4 *fr.* 45.

KATECHESEN FÜR DIE UNTERSTUFE DER VOLKSSCHULE. Von Wilhelm Pichler, Ehrenkämmerer Sr. päpstl. Heiligkeit und Katechet in Wien, Verfasser des *Katholischen Religionsbüchleins.* Dritte Auflage. 1. Bändchen: Grundsätze für den Religionsunterricht auf der Unterstufe. Die wichtigsten religiösen Wahrheiten und Ubungen (Vorunterricht für das 1. Schuljahr). Aus der ältesten Geschichte. Von den Stammvätern des israelitischen Volkes. Vom israelitischen Volke.—Lextionspläne. 1925. Pp. 277. 2. Bändchen: Von der Kindheit Jesu. Vom öffentlichen Leben Jesu. — Lektionspläne. 1926. Pp. iv—215. 3. Bändchen: Vom Leiden und Sterben Jesu (mit Erstkommunionunterricht). Von der Verherrlichung Jesu (mit Erstbeichtunterricht). Von der katholischen Kirche.—Lektionspläne. 1928. Pp. vi—415. Verlagsanstalt Tyrolia A.G., Innsbruck, Wien, München.

DE FIDELIUM ASSOCIATIONIBUS ad Usum Utriusque Cleri, praesertim Missionariorum. Auctore G. Vromant, C.I.C.M. de Scheut, Prof. Iuris Canonici. (*Museum Lessianum,* Section Théologique, No. 30. Publications dirigées par des pères de la Compagnie de Jésus, Louvain.) Museum Lessianum, Louvain. 1932. Pp. viii—138. Prix, 18 *fr.*

A DAY IN THE LIFE OF ARMELLE NICOLAS. Reprinted through the courtesy of the Historical Society of Pennsylvania from a photostat of the first American edition printed by Christopher Sower, Jr., Germantown, Pa., 1754. Foreword by Dr. James J. Walsh. Paulist Press, New York. 1930. Pp. 32.

EIN FROMMES BILDERBÜCHLEIN FÜR DIE KLEINEN. Von Wilhelm Pichler, Katechet, und Philipp Schumacher, akad. Maler. 2. Auflage. Gutgeheissen von den bischöflichen Ordinariaten Gurk, St. Pölten, Salzburg, Seckau, Wien und den Apostolischen Administraturen des Burgenlandes, Feldkirch und Innsbruck. Vom Bundesministerium für Unterricht durch Erlass vom 24. März 1928, Zahl 7124—11/9, zum Unterrichtsgebrauch an den Volksschulen allgemein zugelassen. Verlagsanstalt Tyrolia, Wien und Innsbruck. 1929. Pp. 48.

THE WAY OF THE CROSS OF OUR LORD AND SAVIOUR JESUS CHRIST. By Romano Guardini. Benziger Brothers, New York, Cincinnati, Chicago, San Francisco. 1932. Pp. v—68. Price, $0.75 *net.*

KATHOLISCHES RELIGIONSBÜCHLEIN. Nach den Weisungen der Bischöfe Österreichs ausgearbeitet von Wilhelm Pichler, mit Bildern von Philipp Schumacher. Herausgegeben von der katechetischen Sektion der Österreichischen Leo-Gesellschaft. Erste Auflage. Verlagsanstalt Tyrolia, Wien und Innsbruck. 1931. Pp. 180.

THEOLOGIA MORALIS secundum Doctrinam S. Alfonsi de Ligorio, Doctoris Ecclesiae, Auctore Jos. Aertnys, C.SS.R., S. Theologiae Moralis in Collegio Wittemiensi olim Professore, quam ex integro recognovit, auxit atque ad Codicem Juris Canonici accommodavit C. A. Damen, C.SS.R., Juris Can. Doct. atque in Athenaeo Pontif. de Prop. Fide Theol. Mor. Professor. Editio duodecima (quarta post Codicem Juris Canonici). 2 vols. Marius E. Marietti, Taurinorum Augustae. 1932. Pp. xx—763 et 821. Pretium, *L.* 80.

KATECHISMUS DER KATHOLISCHEN RELIGION. Für die Oberstufe der Pharrkatechese. Von Wilhelm Pichler. Mit Bildern von Philipp Schumacher. Diözesan-Katechismus der Erzdiözese Trento und der Diözese Bressanone. Verlagsanstalt Vogelweider Bressanone-Bolzano, G.M.B.H. 1931. Pp. 238.

LA DOCTRINE SOCIALE DE L'ÉGLISE. D'après l'Encyclique *Rerum novarum* et les autres enseignements des Souverains Pontifes. Par Mgr Ruch, Évêque de Strasbourg. Maison de la Bonne Presse, Paris–8e. 1931. Pp. 122. Prix, 4 *fr.* 45 *franco.*

KATECHISMUS DER KATHOLISCHEN RELIGION. Von Wilhelm Pichler, Ehrenkämmerer Sr. päpstl. Heiligkeit und Katechet in Wien. Herausgegeben von der Österreichischen Leogesellschaft. Ausgabe für Katecheten. Österreichischer Bundesverlag für Unterricht, Wissenschaft und Kunst, Wien und Leipzig. 1928. Pp. xlv—208.

KATHOLISCHES RELIGIONSBÜCHLEIN FÜR DIE UNTEREN KLASSEN DER VOLKSSCHULE. Herausgegeben von der katechetischen Sektion der Österreichischen Leo-Gesellschaft. Mit 70 vierfarbigen Bildern von Philipp Schumacher. Gutgeheissen von den bischöflichen Ordinariaten Breslau, Brixen, Brünn, Gurk, Königgrätz, Laibach, Lavant, Leitmeritz, Lemberg lat. Rit., Olmütz, Prag, St. Pölten, Salzburg, Stanislau, Trient, Wien und den apostolischen Administraturen Innsbruck—Feldkirch und des Burgenlandes. Für den Unterrichtsgebrauch als zulässig erklärt vom Bundesministerium für Unterricht am 1. Juli 1924, Z. 7184/9. Zehnte, im Wortlaut unveränderte Auflage. Verlagsanstalt Tyrolia, Wien und Innsbruck. 1930. Pp. 154.

SAINTE THÉRÈSE DE L'ENFANT-JÉSUS ET DE LA SAINTE FACE. Par Serge Barrault. Éditions Publiroc, Marseille. 1931. Pp. 209. Prix, 10 *fr.* 85 *franco.*

PHILOSOPHICAL.

WHENCE THE "BLACK IRISH" OF JAMAICA? By Joseph J. Williams, S.J., Ph.D. (Ethnol.), Litt.D., Fellow of the Royal Society of Arts, Fellow of the Royal Geographical and the American Geographical Societies, Honorary Member of the Société Académique Internationale (Paris), Member of the International Institute of African Languages and Cultures (London), Member of the Catholic Anthropological Conference, Member of the American Folk-Lore Society, Member of the American Catholic Historical Association, etc., author of *Hebrewisms of West Africa, Whisperings of the Caribbean,* etc. Lincoln MacVeagh, New York. 1932. Pp. xi—97. Price, $2.00.

JOBS FOR THE COLLEGE GRADUATE IN SCIENCE. By Edward J. v. K. Menge, Ph.D., Sc.D., Director of the Department of Zoölogy, Marquette University; International Guest-Lecturer to the National Universities and Learned Societies of the Leading Countries of South America, 1927; author of *General and Professional Biology, Introductory Embryology and Comparative Anatomy, The Laws of Living Things, A Survey of National Trends in Biology,* etc. Bruce Publishing Co., Milwaukee, Chicago, New York. 1932. Pp. viii—175. Price, $2.00.

THE JESUITS AND EDUCATION. The Society's Teaching Principles and Practice, Especially in Secondary Education in the United States. By William J. McGucken, S.J., Ph.D., Professor of Education, St. Louis University. (*Science and Culture Series.* Joseph Husslein, S.J., Ph.D., General Editor.) Bruce Publishing Co., Milwaukee, Chicago, New York. 1932. Pp. xxv—353. Price, $4.00.

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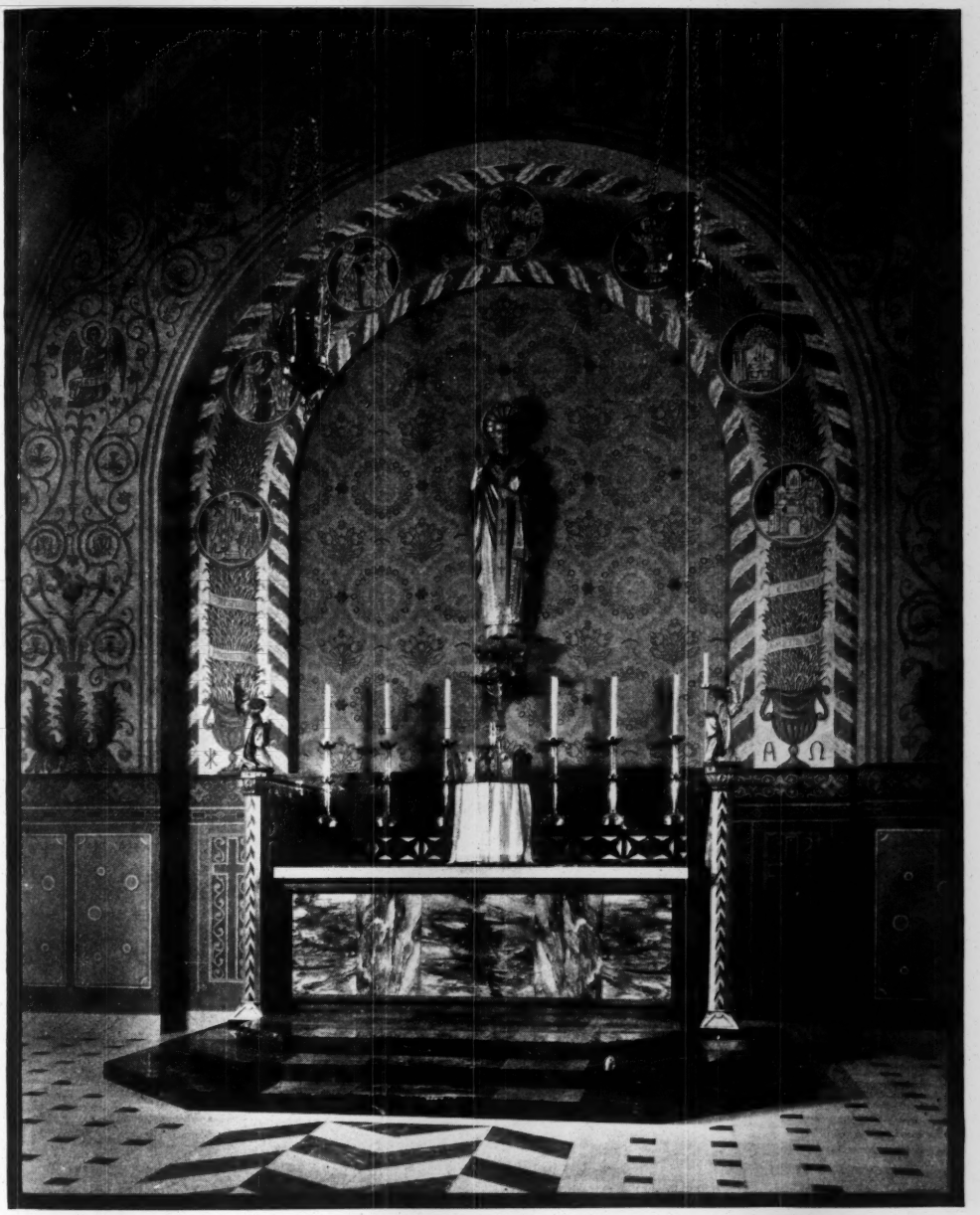

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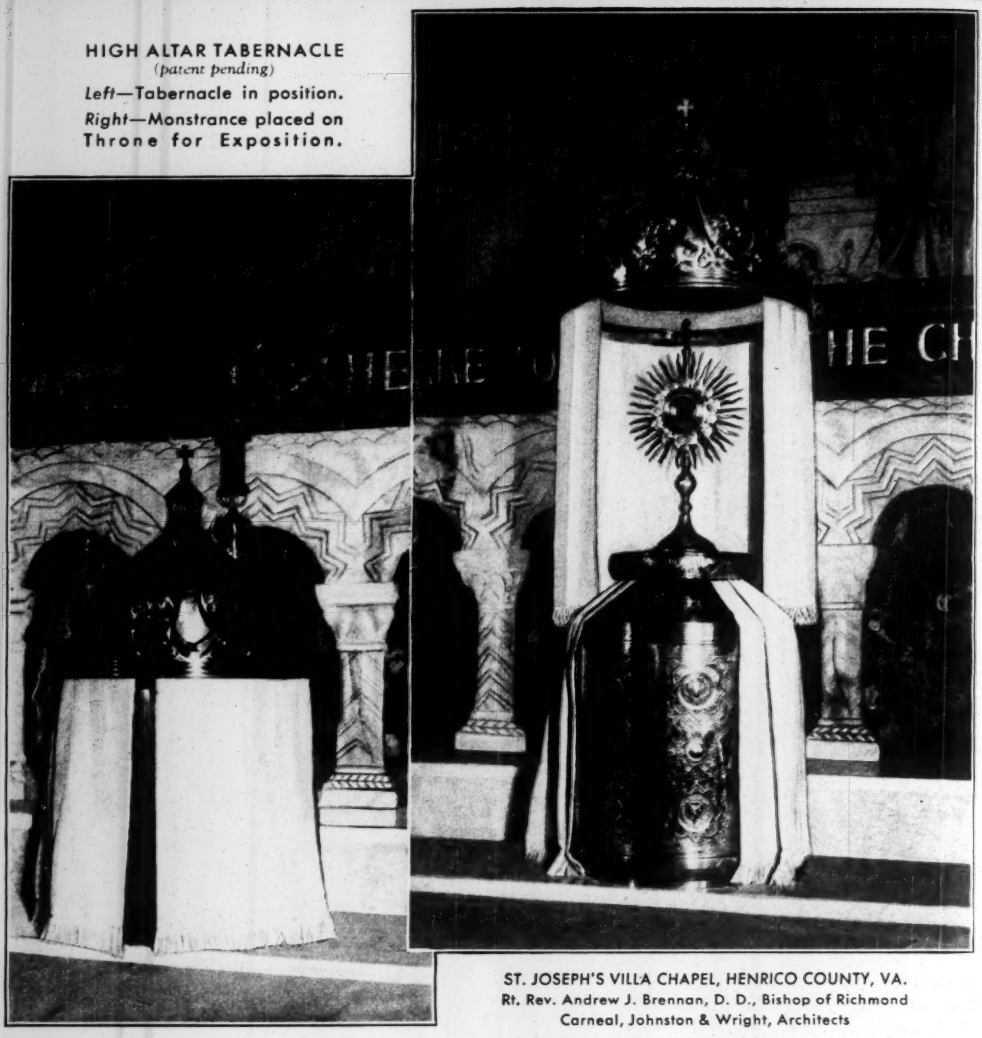

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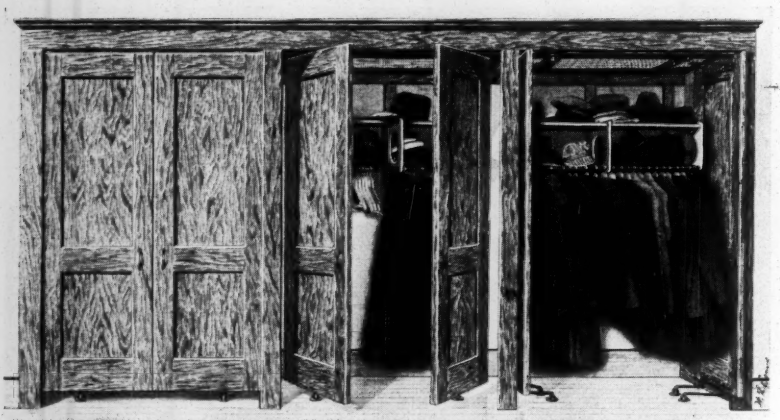

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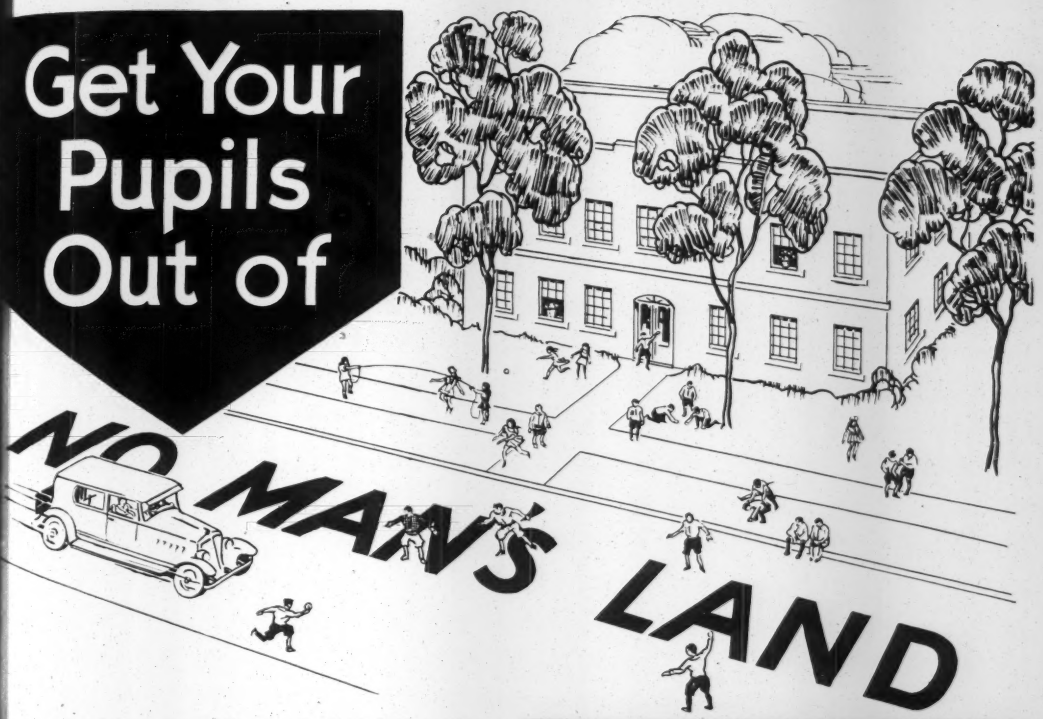

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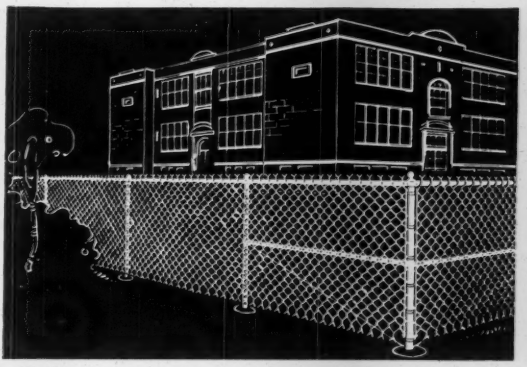

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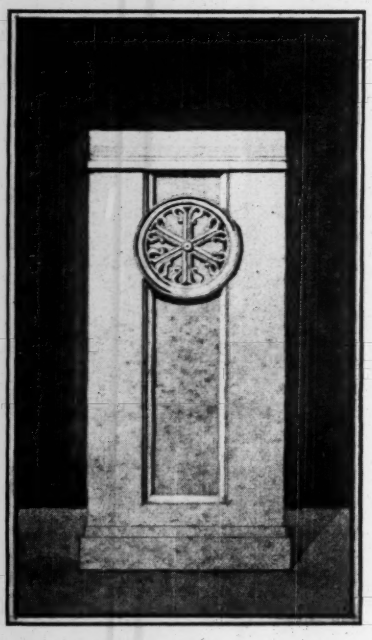

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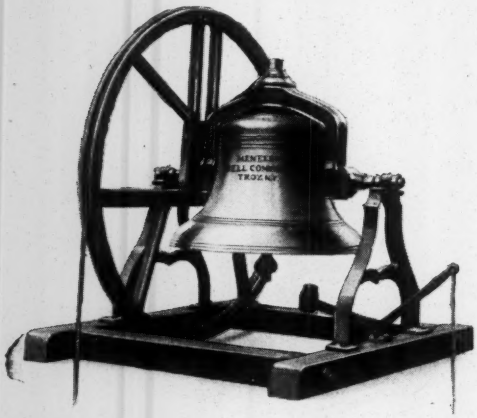

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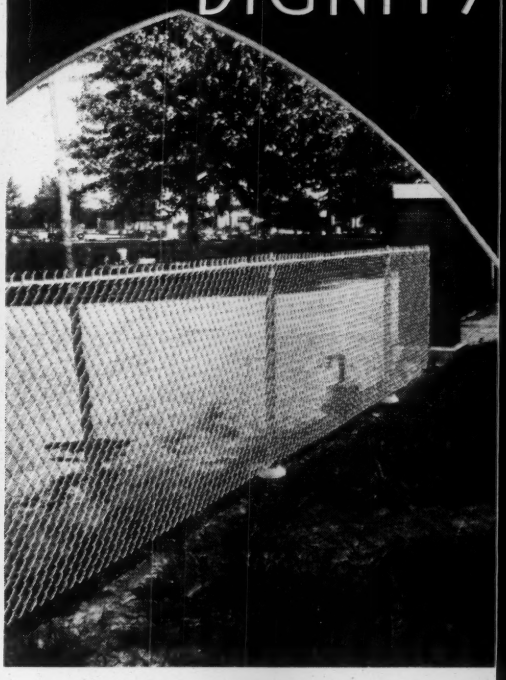

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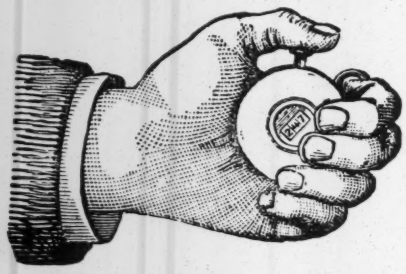

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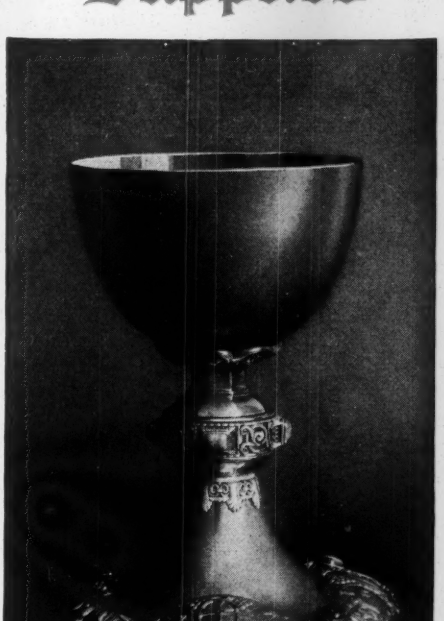

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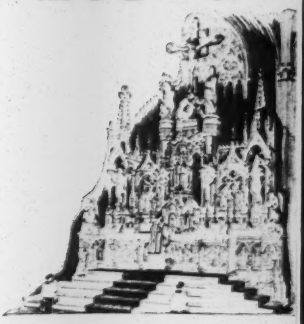

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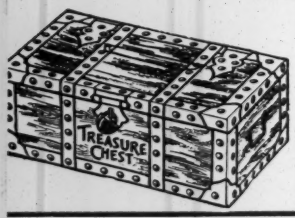

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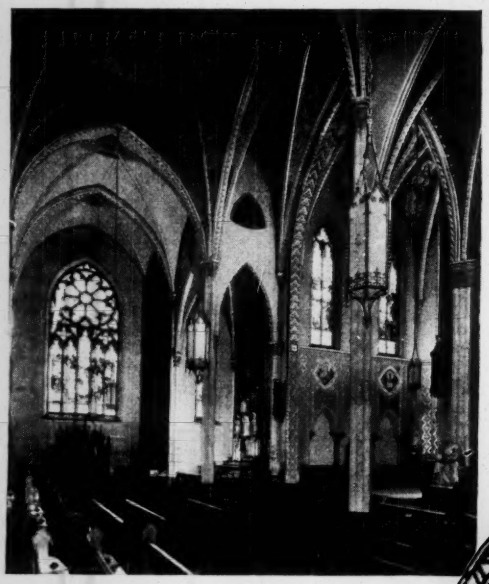

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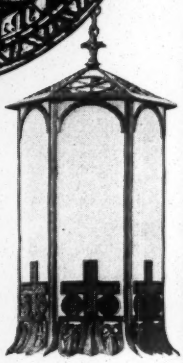

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